

THOMAS C. RETZLAFF - October 25, 2018

BEFORE THE DISTRICT 14 GRIEVANCE COMMITTEE

EVIDENTIARY PANEL 14-2

STATE BAR OF TEXAS

COMMISSION FOR LAWYER DISCIPLINE,)	Case No. 201707583
)	
Petitioner,)	
)	
v.)	
)	
JASON LEE VAN DYKE,)	
)	
Respondent.)	
_____)	

VIDEOCONFERENCE DEPOSITION OF THOMAS C. RETZLAFF

October 25, 2018

10:59 a.m.

Phoenix, Arizona

Prepared by:
Marcella Daughtry, RPR
Arizona CR No. 50623

THOMAS C. RETZLAFF - October 25, 2018

I N D E X

WITNESS	PAGE
THOMAS C. RETZLAFF	
Examination by Ms. Brady	9
Examination by Mr. Van Dyke	57

INDEX TO EXHIBITS

Petitioner's	Description	Page
Exhibit 1	Witness subpoena for deposition	15
Exhibit 2	Acceptance of service of subpoena	15
Exhibit 3	E-mail chain from Jason Van Dyke to Dean 3/28/18 "Subject: Re: Die"	17
Exhibit 4	E-mail chain from Dean to Thomas Retzlaff 3/27/18 "Subject: Fwd: Die" CFLD-030	20
Exhibit 5	E-mail chain from Dean to Thomas Retzlaff 3/27/18 "Subject: Fwd: Die" CFLD-039	22
Exhibit 6	E-mail chain from Dean to Thomas Retzlaff 3/27/18 "Subject: Fwd: Die" CFLD-035	24
Exhibit 7	E-mail chain from Dean to Thomas Retzlaff 3/27/18 "Subject: Fwd: Die" CFLD-040	25

THOMAS C. RETZLAFF - October 25, 2018

1	INDEX TO EXHIBITS, CONT'D		
2	Petitioner's	Description	Page
3	Exhibit 8	E-mail chain from Dean to Thomas Retzlaff 3/28/18 "Subject: Fwd: Die" CFLD-034	27
4			
5	Exhibit 9	E-mail chain from Dean to Thomas Retzlaff 3/28/18 "Subject: Fwd: Die" CFLD-018	28
6			
7			
8	Exhibit 10	E-mail from Jason Van Dyke to Dean 4/3/18 "Subject: Pedophile?" CFLD-1420 (Confidential - Attorney Eyes Only)	29
9			
10			
11	Exhibit 11	E-mail chain from Tom Retzlaff to Kristin Brady 4/6/18 "Subject: more Van Dyke threats"	30
12			
13	Exhibit 12	E-mail from Jason Van Dyke to Dean 4/7/18 "Subject: Re:" CFLD-1429 (Confidential, AEO)	31
14			
15			
16	Exhibit 13	E-mail chain from Jason Van Dyke to Dean 4/7/18 "Subject: Re:" CFLD-1432 (Confidential, AEO)	32
17			
18			
19	Exhibit 14	E-mail chain from Jason Van Dyke to Dean 4/8/18 "Subject: Re:" CFLD-1433 (Confidential, AEO)	32
20			
21			
22	Exhibit 15	E-mail from Jason Van Dyke to Dean 4/8/18 "Subject: Re: Pedophile?" CFLD-1434 (Confidential, AEO)	33
23			
24			
25			

THOMAS C. RETZLAFF - October 25, 2018

1	INDEX TO EXHIBITS, CONT'D		
2	Petitioner's	Description	Page
3	Exhibit 16	E-mail chain from Kristin Brady to Maria Lopez 5/22/18 "Subject: FW: Van Dyke murder threats" CFLD - 748 to 749	33
4			
5			
6	Exhibit 17	E-mail chain from Tom Retzlaff to Jeffrey Dorrell 5/29/18 "Subject: ur original email" CFLD-930 to 931	35
7			
8			
9	Exhibit 18	Twitter post by @realJLVD	41
10	Exhibit 19	Instagram post by proudboywaterfowler August 23rd CFLD-1555	41
11			
12	Exhibit 20	Instagram post by proudboywaterfowler July 8 CFLD-1556	43
13			
14	Exhibit 21	Post by J.L. Van Dyke April 20 CFLD-1596	44
15	Exhibit 22	Post by @MeanTXLawyer 9/12/14 CFLD-1597	45
16			
17	Exhibit 23	Post by @RealJLVD 7/10/17 CFLD-1598	45
18	Exhibit 24	Post by @MeanTXLawyer CFLD-1599	46
19			
20	Exhibit 25	Posts by Jason L. Van Dyke April 21, 2017 CFLD-1605 to 1612	9
21			
22	Exhibit 26	Post by J.L. Van Dyke April 20 D-1781	47
23	Exhibit 27	Posts by Jason Lee Van Dyke CFLD-1657 to 1668	
24			
25			

THOMAS C. RETZLAFF - October 25, 2018

1	INDEX TO EXHIBITS, CONT'D		
2	Petitioner's	Description	Page
3	Exhibit 28	Posts by J.L. Van Dyke July 9, 2017	48
4		CFLD-1788 to 1798	
5	Exhibit 29	Post by J.L. Van Dyke 7/10/17	48
6	Exhibit 30	Post by J.L. Van Dyke 7/10/17	48
7	Exhibit 31	Post by J.L. Van Dyke	49
8		CFLD-1772	
9	Exhibit 32	Posts by J.L. Van Dyke	49
		CFLD-1773	
10	Exhibit 33	Post by J.L. Van Dyke	50
11		CFLD-1774	
12	Exhibit 34	Posts by J.L. Van Dyke	50
		CFLD-1775	
13	Exhibit 35	Posts by J.L. Van Dyke	51
14		CFLD-1782	
15	Exhibit 36	Post by J.L. Van Dyke	51
		CFLD-1783	
16	Exhibit 37	Post by Jason Van Dyke	51
17		FLD-1784	
18	Exhibit 38	Post by Jason L. Van Dyke	52
		December 2014	
19	Exhibit 39	Post by Jason L. Van Dyke	52
20		12/29/2014	
21	Exhibit 40	Post by Jason L. Van Dyke	52
		@dividedly	
22	Exhibit 41	Post by J.L. Van Dyke 11/18/2017	52
23	Exhibit 42	Proud Boys/ Southern Poverty	53
24		Law Center article	
25		CFLD-347	

THOMAS C. RETZLAFF - October 25, 2018

1	INDEX TO EXHIBITS		
2	Respondent's	Description	Page
3	Exhibit 1	Criminal history conviction search	57
4	Exhibit 2	Office of Court Administration List of Vexatious Litigants	60
5			
6	Exhibit 3	Order granting Defendants motion to strike all pleadings filed by Thomas Retzlaff	62
7			
8	Exhibit 4	E-mail from Tom Retzlaff to Kristin Brady 7/9/18	67
9		"Subject: Jason Van Dyke case" CFLD-954	
10	Exhibit 5	Office of Chief Disciplinary Counsel Grievance Form 12/20/2017	68
11			
12	Exhibit 5a	Attorney-client privilege waiver	71
13	Exhibit 5b	Questions 8 and 9	72
14	Exhibit 5c	Grievance	78
15	Exhibit 5d	Grievance	88
16	Exhibit 5e	Grievance	90
17	Exhibit 5f	Grievance	91
18	Exhibit 6	Office of Chief Disciplinary Counsel Grievance Form 8/30/18	92
19			
20	Exhibit 7	(Not used)	94
21	Exhibit 8	Letter to Thomas Retzlaff from Gayle Vickers 3/8/18	95
22			
23	Exhibit 9	BV Files posts	98
24	Exhibit 10	E-mail from Tom Retzlaff to rd4ou@yahoo.com	103
25		"Subject: Jason Van Dyke" CFLD-011	

THOMAS C. RETZLAFF - October 25, 2018

1	INDEX TO EXHIBITS, CONT'D		
2	Respondent's	Description	Page
3	Exhibit 11	E-mail chain from Tom Retzlaff to Kristin Brady 3/29/18 "Subject: RE: Jason Lee Van Dyke" CFLD-184 to 185	104
4			
5	Exhibit 12	E-mail chain from Tom Retzlaff to Kristin Brady 4/4/18 "Subject: RE: Murder threats" CFLD-222	106
6			
7			
8	Exhibit 13	E-mail chain from Kristin Brady to Tom Retzlaff 4/18/18 "Subject: RE: Murder threats" CFLD-385 to 386	110
9			
10	Exhibit 14	Declaration of Brittany Retzlaff	112
11	Exhibit 15	Declaration of Collin Retzlaff	112
12	Exhibit 16	E-mail chain from Dean to Jason Van Dyke 3/23/18 "Subject: Re: Stop Posting"	114
13			
14	Exhibit 17	E-mail chain from Bob Karlseng to Jason Van Dyke 3/25/18 "Subject: Re: Who is Dean Anderson?"	115
15			
16	Exhibit 18	E-mail chain from Dean to Jason Van Dyke 3/26/18 "Subject: Re: Service of Process"	115
17			
18	Exhibit 19	E-mail chain from Dean to Jason Van Dyke 3/27/18 "Subject: Re: Stop Posting"	115
19			
20			
21			
22			
23			
24			
25			

THOMAS C. RETZLAFF - October 25, 2018

1 VIDEOCONFERENCE DEPOSITION OF THOMAS C.

2 RETZLAFF was taken on October 25, 2018 at the offices
3 of Phoenix Deposition Services, Copper Point Tower,
4 3030 North Third Street, Suite 200, Phoenix, Arizona,
5 commencing at the hour of 10:59 a.m. before Marcella
6 Daughtry, a Registered Professional Reporter and
7 Arizona Certified Reporter, in and for the State of
8 Arizona.

9
10 APPEARANCES:

11
12 Appearing via videoconference for the Petitioner:

13 State Bar of Texas
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20
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469.964.5346

THOMAS C. RETZLAFF - October 25, 2018

1 (Petitioner Deposition Exhibits 1 through 42
2 were marked for identification.)
3

4 THOMAS C. RETZLAFF,
5 called as a witness herein, having been first duly
6 sworn by the Certified Reporter to speak the whole
7 truth and nothing but the truth, was examined and
8 testified as follows:
9

10 EXAMINATION

11 BY MS. BRADY:

12 Q Good afternoon, Mr. Retzlaff. My name is
13 Kristin Brady.

14 A Good morning. Good morning.

15 Q I work for the Chief Disciplinary Counsel's
16 office.

17 We've spoken before on the phone this week,
18 correct?

19 A Yes, we have.

20 Q Okay. And have you ever had your deposition
21 taken before?

22 A Yes.

23 Q All right. And you understand then that you
24 are under oath?

25 A Yes.

THOMAS C. RETZLAFF - October 25, 2018

1 Q And you are going to tell the truth today?

2 A Yes.

3 Q Okay. I just want some general background of
4 you, Mr. Retzlaff. Where do you -- you don't have to
5 give a specific address, but where do you live?

6 A Phoenix.

7 Q And how long have you been in Phoenix?

8 A On and off for the past several years.

9 Q And what do you do in Phoenix?

10 A I play golf. I like to scuba dive. I go
11 skydiving. I like to read books.

12 Q How about for employment, Mr. Retzlaff?

13 A Oh, none. Absolutely nothing.

14 Q Are you retired?

15 A Yeah.

16 Q And what are you retired from?

17 A Nothing.

18 Q Have you ever had a job, Mr. Retzlaff?

19 A Oh, I was in the military for about eight
20 years.

21 Q Okay. What branch?

22 A Army.

23 Q Okay. And do you know Jason Van Dyke?

24 A Not personally.

25 Q Okay. So you've never met him face-to-face?

THOMAS C. RETZLAFF - October 25, 2018

1 A No.

2 Q Do you know of Jason Van Dyke, the respondent
3 in this case?

4 A Yes.

5 Q Okay. And how do you know of him?

6 A He's threatened to murder me and my family.
7 He has told my attorney Jeffrey Dorrell in Houston that
8 he knows where I live, that he's going to murder me.
9 Van Dyke is a member of a government designated threat
10 group, white supremacist group called the Proud Boys.

11 I know that Van Dyke is currently under
12 indictment -- I mean investigation at this point by the
13 Denton County District Attorney's Office. He's also
14 been arrested for the misdemeanor offense of filing a
15 false police report a couple of weeks ago. He is suing
16 me for \$100 million in federal court. He tried
17 to -- well, not necessarily sue me, but sue Steve
18 Tyler, the DA in Victoria County, trying to find out
19 some information about who may or may not have cost Van
20 Dyke his job.

21 Q Okay. I'm going to stop you right there.

22 A Okay.

23 Q Approximately when did you first learn of
24 Jason Van Dyke?

25 A A couple of years ago. I can't say for sure.

THOMAS C. RETZLAFF - October 25, 2018

1 Q And then how?

2 A I think the first time I heard of him was
3 because he and his Nazi buddy, a guy named Kyle
4 Bristow, who is an attorney in -- temporarily,
5 anyways -- in Michigan, they concocted a scheme to file
6 a lawsuit against a Web site called Pink Meth and
7 Google. And --

8 Q How did you become aware of that?

9 A There was news reports about it because it was
10 quite entertaining that somebody wanted to sue the Tor,
11 T-o-r, Tor Browser company, which is a Web browser like
12 Internet Explorer or Firefox or Chrome. And Van Dyke
13 served Kyle claiming that Kyle ran some sort of Web
14 site and got a default judgment. Only later it turned
15 out that Kyle was working for and with Van Dyke, and
16 the whole scheme fell apart, and the Internet had a
17 great amount of laughter.

18 Q Okay. Now, since that's a couple years ago,
19 after you became aware of that Pink Meth case and of
20 Jason Van Dyke, did you continue to follow him either
21 on social media or the Internet?

22 A No, I don't think -- I don't think at the --

23 Q Did you hear of any other things about Mr. Van
24 Dyke after that?

25 A Well, I found out that he got a job at the

THOMAS C. RETZLAFF - October 25, 2018

1 Victoria County District Attorney's Office as an
2 assistant DA.

3 Q And approximately when was that, if you know?

4 A About a year and a half ago, I think, maybe.

5 Q Okay.

6 A Anyways, of course, you can't have Nazis and
7 white supremacists being assistant district attorneys,
8 especially in the state of Texas which has the highest
9 death penalty rate per capita. You know, in my opinion
10 he is absolutely unqualified for that job or in fact
11 any other job for that matter, unless it involves the
12 food service industry at a drive-thru window.

13 Q Okay. Mr. Retzlaff, once you found out about
14 the job offer in Victoria County, the DA's office,
15 when's the next time you had -- at this point, had you
16 had any personal contact with Mr. Van Dyke via either
17 social media, e-mail, anything?

18 A No.

19 Q Okay. After the Victoria County position was
20 offered to Mr. Van Dyke, did you hear again of him
21 after that?

22 A Did I hear of him or from him?

23 Q Let's start with from him.

24 A Not directly, no.

25 Q Okay.

THOMAS C. RETZLAFF - October 25, 2018

1 A But indirectly he did post on social media
2 threatening to murder the people that were behind him
3 losing that job.

4 Q Okay. And after that, how about of him? Did
5 you hear any other stories?

6 A Yeah. Steve told me that a lawsuit had been
7 filed against him for Van Dyke trying to uncover who
8 the people were that snitched on Van Dyke, because he
9 was crying like a bitch because he didn't get the job
10 as DA, even though he goes on Twitter calling people
11 niggers and faggots and talking about lynching black
12 people. And so Van Dyke was upset and shocked that he
13 didn't get the job, and so he wanted to uncover, quote,
14 the people who ran their mouths, I believe was the
15 exact quote that Van Dyke used.

16 And I suggested to Steve that he file an
17 anti-SLAPP motion, because that's what you do when
18 vexatious idiots file baseless litigation against you
19 pertaining to First Amendment rights.

20 Q Okay, I'm going to backtrack real quick and
21 then get in to some of the e-mails you have sent me in
22 this case. But first, you are in Arizona right now; is
23 that right?

24 A Right at this moment, yes.

25 Q Okay. And if you look at -- do you have the

THOMAS C. RETZLAFF - October 25, 2018

1 exhibits in front of you?

2 A I have absolutely nothing in front of me, but
3 this nice young lady is fixing to hand me some good
4 stuff.

5 All right. I've got a massive stack of stuff
6 here. Which would you like me to look at first?

7 Q The first one, P-1, do you have that in front
8 of you?

9 A Yes, I do.

10 Q And is this the subpoena that you received in
11 regards to this deposition?

12 A Yes, it is.

13 Q Okay. And if you look at P-2, is this the
14 acceptance of service that you signed in regards to
15 that subpoena as reflected in P-1?

16 A Yes, it is.

17 Q Okay. Now, is this the address as reflected
18 in P-1 that you are at right now?

19 A I'm not sure.

20 Q Okay. Did you call me on Monday to see if we
21 could switch the address at the last minute?

22 A Absolutely.

23 Q And can you tell me why you did that?

24 A Because Jason Van Dyke has threatened to
25 murder me, as well as my family members. He has said

THOMAS C. RETZLAFF - October 25, 2018

1 this directly and indirectly. He is a member of an
2 organization called the Proud Boys, which is a white
3 supremacist organization with about 10,000 members that
4 is a designated security threat group by the
5 government.

6 Right now Van Dyke is under investigation by
7 the Denton County District Attorney's Office. In
8 addition, as -- I heard that this morning that his
9 buddy -- his boss, Gavin McInnes, is now on the run.
10 The NYPD is looking for him. They've opened up a
11 terrorism investigation involving the Proud Boys. The
12 Proud Boys --

13 Q I'm going to stop you right there.

14 A Okay.

15 Q Tell me why you personally wanted to move it,
16 this depo. But what, if any, concern did you have?

17 A That violence would take place.

18 Q Okay. Violence on you?

19 A Yes, among other things of course.

20 Q From Mr. Van Dyke personally?

21 A Say again.

22 Q From Mr. Van Dyke personally?

23 A Or by one or more of his members of his group.
24 On May 22nd of --

25 Q Hold you. And you mentioned his group. The

THOMAS C. RETZLAFF - October 25, 2018

1 Proud Boys, is that who you are speaking of?

2 A Yes, ma'am.

3 Q And is it your belief that they are a violent
4 group?

5 A Yes, and not just my belief either.

6 Q You believe that they are present throughout
7 the nation?

8 A Yes, they are.

9 Q Okay. So we're going to start going through
10 the e-mails.

11 A Okay.

12 Q If you could start with P-3.

13 A All right. I'm looking at that right now.

14 Q Okay. And look at the bottom of this one.

15 A Okay.

16 Q Start with that first day of March 28, 2018.

17 Do you see that?

18 A Yes.

19 Q Okay. And in this -- in this at the bottom it
20 states from jason@vandykelawfirm.com. "If you do not
21 stop calling my clients, I will make you suffer.

22 Better watch your back Tom."

23 Did I read that correctly?

24 A Yes, that's what it says.

25 Q And your name is Tom, correct?

THOMAS C. RETZLAFF - October 25, 2018

1 A Correct.

2 Q All right. Now, if you look above it, it
3 looks like it was sent to a dean714@yandex.com. Did I
4 read that correctly?

5 A Yes, you did.

6 Q Okay. Who is Dean? And it's signed Dean
7 Anderson. Who is Dean Anderson, if you know?

8 A I can't answer that question.

9 Q And why can't you?

10 A Well, there is a order from the federal court
11 in the SLAPP lawsuit that Van Dyke filed against me for
12 \$100 million. There is a stay in that case ordered by
13 the federal judge for any kind of discovery with
14 regards to that.

15 Q Okay. I want to stop you right there. We are
16 not in the federal court case and there is no stay in
17 this case, and I am asking you the question of who Dean
18 Anderson is. Are you going to refuse to answer that
19 question even though we are not in a federal court?

20 A Yes. And I have several reasons why I --
21 first off, that is --

22 Q Give me a reason other than federal court.

23 A Attorney-client privilege if myself and my
24 attorney know who this person is based on our work
25 product.

THOMAS C. RETZLAFF - October 25, 2018

1 Q Is your attorney Mr. Anderson's attorney?

2 A I don't know.

3 Q Are you his attorney?

4 A I'm not anybody's attorney.

5 Q Okay. So then you understand the
6 attorney-client privilege wouldn't apply to you and
7 Mr. Anderson?

8 A Well, if Mr. Dorrell and I have information on
9 this and my information is based on that work product,
10 I can't answer that.

11 Q I'm going to tell you that's not correct --

12 A Okay.

13 Q -- and not in accordance with the law
14 regarding attorney-client privilege. So again, are you
15 refusing to answer my question in regards to who Dean
16 Anderson is?

17 A Well, when it comes to taking an advice from
18 an attorney, I take the advice from the attorney that
19 I'm paying for.

20 Q So are you telling me it's Mr. Dorrell's
21 advice for you to refuse to answer the question of who
22 Dean Anderson is?

23 A I'm not answering that question because of the
24 stay ordered by the federal court and based on the fact
25 that attorney work product privilege. In addition, I'm

THOMAS C. RETZLAFF - October 25, 2018

1 also going to claim a Fifth Amendment protection as
2 well, because Van Dyke has accused me of being Dean
3 Anderson, and he has accused me of committing crimes
4 and saying that Dean Anderson and I are one in the same
5 committing crimes against him. He is trying to
6 conflate two separate individuals.

7 Q Let's move on. In P-3, did you receive that
8 threat on March 28th, 2018? Did you receive that from
9 Mr. Anderson?

10 A I don't see my e-mail header on this.

11 Q Correct. I received this e-mail from you on
12 either Monday or Tuesday this week.

13 A Okay, then if you did, then yes.

14 Q Let's just move on to P-4.

15 A Okay.

16 Q Are you there?

17 A Yes, ma'am.

18 Q Okay. So let's start off at the -- it looks
19 like it's from Dean to -- is that your e-mail,
20 retzlaff@texas.net?

21 A Yes, it is.

22 Q And the subject is, "Fwd: Die"?

23 A Yes.

24 Q And the date at the top is Tuesday,
25 March 27th, 2018. Is that correct?

THOMAS C. RETZLAFF - October 25, 2018

1 A Yes, it is.

2 Q Okay. Is this a true and correct e-mail that
3 you received from Dean Anderson --

4 A Yes, it is.

5 Q -- an e-mail forwarded from Dean Anderson?

6 A Yes. That was the e-mail that was forwarded
7 to me.

8 Q Okay. And you see it's forwarded from Jason
9 Van Dyke?

10 A Yes, it is.

11 Q All right. And it reads, "You better have
12 your will made out Thomas. I'm coming for YOU!"

13 Did I read that correctly?

14 A Yes.

15 Q What effect did this e-mail -- you reading
16 this e-mail have on you, if any?

17 A Oh, it made me very angry, very angry and very
18 concerned and worried. Anytime that you have a crazy
19 person who likes to post pictures of himself on the
20 Internet holding guns and talking about killing people
21 and stuff who is a member of a terrorist organization,
22 it makes you very concerned, especially in this day and
23 age. There's a lot of crazy people in this world who
24 do a lot of crazy things. In fact, yesterday we seen
25 eight -- eight or ten bombs mailed off to random

THOMAS C. RETZLAFF - October 25, 2018

1 people, okay.

2 Q Okay. So --

3 A And of course --

4 Q Did you take this as a physical threat?

5 A Say again.

6 Q Did you take this as a physical threat?

7 A Yes.

8 Q Okay. And at this point, were you aware of
9 the respondent's affiliation with the Proud Boys
10 organization?

11 A Yes, I was.

12 Q And did that cause any more concern for your
13 safety?

14 A Absolutely. Absolutely. Especially with
15 myself and my children, my daughter especially. She's
16 very, very upset and concerned.

17 Q Okay. And did you have a belief at that time
18 that either Mr. Van Dyke or someone from the Proud Boys
19 organization could carry out this threat?

20 A Yes, because they've done it before --

21 Q Okay.

22 A -- with other people.

23 Q All right. P-5, are you there?

24 A Yes. I'm looking right at it.

25 Q Okay. Great. And Exhibit P-5 is another

THOMAS C. RETZLAFF - October 25, 2018

1 e-mail that was forwarded to you from Dean; is that
2 correct?

3 A Yes.

4 Q From Mr. Van Dyke, the respondent?

5 A Yes.

6 Q And it states, "No more lawsuit. See you this
7 weekend with my rifle." Did I read that correctly?

8 A Yes.

9 Q And did this e-mail cause you the same concern
10 as we just described from receiving P-4?

11 A Absolutely, especially because -- well, this
12 e-mail cost me -- you know, this was within one minute
13 of the --

14 Q What does that mean to you, that it's
15 happening so frequently together?

16 A Well, the threat is escalating. You know,
17 he's -- he's getting more specific, and, you know, he's
18 talking about a specific place or a specific time, a
19 specific method. You know, see you this weekend with
20 the rifle, people have gotten up -- gotten locked up
21 for less than that for things they posted on social
22 media. You know, and especially in this day and age,
23 this is --

24 Q Okay.

25 A And one thing that made me concerned, too, is

THOMAS C. RETZLAFF - October 25, 2018

1 this is very similar to the same threat he made against
2 you in the State Bar involving a .50 caliber rifle.

3 Q Okay. Let's move on to P-6. Do you have it
4 in front of you, Mr. Retzlaff?

5 A Yes, I do.

6 Q Okay. Is this a true and correct copy of
7 another e-mail that was forwarded to you by Dean
8 Anderson originating from Mr. Van Dyke, the respondent?

9 A Yes.

10 Q Okay. And in this, did Mr. Van Dyke say, "You
11 are a dead man"?

12 A Yes.

13 Q Okay. And did you feel this threat was
14 towards you?

15 A Yes.

16 Q Why?

17 A Well, he -- he has conflated me and Dean
18 Anderson. In his mind -- you know, it really doesn't
19 matter whether I am Dean Anderson or I am not Dean
20 Anderson. In his mind we are one in the same. You
21 know, whether that's true or not is not relevant,
22 but in his mind, we're one in the same.

23 And, you know, this is the -- the third
24 message now. I'm looking at the date/time stamp on
25 there, within -- you know, within a one- or two-minute

THOMAS C. RETZLAFF - October 25, 2018

1 period of time.

2 Q Okay. So does that mean it's escalating to
3 you again?

4 A Yes. You know, one e-mail you could kind
5 of -- you know, the guy is mad, and then maybe he's
6 cooled off or something like that. But Van Dyke
7 doesn't cool off. His on switch is permanently stuck.
8 You know, there's something wrong with him mentally.

9 Q Okay. Let's move on to P-7.

10 A Okay.

11 Q Is this another true and correct copy of an
12 e-mail that was forwarded to you from Dean Anderson on
13 Tuesday, the 27th, originating from Mr. Van Dyke, the
14 respondent?

15 A Yes.

16 Q Okay. And it states from Mr. Van Dyke, "What
17 do you want on your polished rock, Tom? I'm coming for
18 you. Sure as God's vengeance I'm coming. Nobody will
19 ever be harassed by you again. You're taking a dirt
20 nap."

21 Did I read that correctly?

22 A Yes, you did.

23 Q And what effect did this have on you, if any?

24 A Well, this was the fourth now message within
25 the same period of time. You know, again, there's --

THOMAS C. RETZLAFF - October 25, 2018

1 there's something mentally wrong with Van Dyke, very,
2 very wrong with Van Dyke. And he has -- he has a
3 complete lack of self-control, and it -- it made me
4 scared.

5 Q Were you in fear, Mr. Retzlaff?

6 A Say again.

7 Q Were you in fear?

8 A Yes, it made me scared. It made me angry.
9 You know, here's some random guy, you know, sending
10 these kinds of messages.

11 Q Did you take any extra safety precautions?

12 A Yes, I did.

13 Q And what were those?

14 A Without going into too much detail regarding
15 sources and methods, you know, being more aware of my
16 surroundings. My son is a police officer here, and
17 he's also in the military. I made him aware of the
18 situation. One time I took my daughter to the gun
19 range, and she got pretty good with a .357 and a
20 shotgun. You know, I've shown Van Dyke's picture to my
21 two dogs so they will recognize him on sight.

22 The condominium high-rise that my father,
23 maybe his trust owned a unit in, I believe the door
24 staff and security staff were shown photographs. My
25 father's newspaper, his security staff were made aware,

THOMAS C. RETZLAFF - October 25, 2018

1 I believe, as well.

2 Q Okay.

3 A You know, again, in this day and age there's
4 nutjobs of all sorts either on the left or on the
5 right. And, you know, I did contact law enforcement as
6 well. I'm not sure if I did it on that date or not. I
7 don't recall.

8 Q Okay. Let's move to P-8. Is this a true and
9 correct copy of an e-mail you received from a Dean
10 Anderson on Wednesday, March 28th, 2018 originating
11 from the respondent Jason Van Dyke?

12 A Yes. This e-mail is about 45 minutes after
13 the other three or four e-mails we just spoke about.

14 Q Okay. So is that a repeated nature?

15 A Well, it's not a repeated e-mail, but it is a
16 subsequent e-mail, repetitive -- well, yeah, it's a
17 repetitive e-mail, but the statement on it is
18 different.

19 Q Right. And this one on P-8 states, "I don't
20 use Twitter. I can't wait to see your fat ass on the
21 other end of my scope. Did you know that a" -- I don't
22 even know if I'm going to say it right -- "a 190 grain
23 300 Winchester Magnum round travels at approximately
24 2,800 feet per second?"

25 Did I read that correctly?

THOMAS C. RETZLAFF - October 25, 2018

1 A Yes, yes. 190 grain relates to the weight of
2 the bullet. 300 is reference to a .300 caliber
3 Winchester rifle. A Magnum is a type of round that has
4 a little bit more powder in it and that he's
5 describing --

6 Q Do you consider this a threat?

7 A Oh, absolutely.

8 Q Did you perceive it as a threat to your life?

9 A Yes, in conjunction with these other e-mails,
10 and especially him saying, "I can't wait to see your
11 fat ass on the other end of my scope." Rifles have
12 scopes. A .300 caliber Winchester rifle is -- is
13 actually a very effective sniper weapon. It's used for
14 long-range shooting. And, you know, him saying earlier
15 in -- what was it, P-5, see you this weekend with my
16 rifle, you know, and then he goes on to describe the
17 rifle along with telling me that I'm a dead man,
18 absolutely. That was very, very upsetting.

19 Q Okay. And throughout these e-mails it was
20 your understanding and your belief that these threats
21 could be carried out imminently?

22 A Absolutely, because I didn't know where he was
23 at the time when he sent these e-mails.

24 Q All right. Move to P-9, please.

25 A Okay.

THOMAS C. RETZLAFF - October 25, 2018

1 Q Is this a true and correct copy of an e-mail
2 you received from Dean Anderson on Wednesday,
3 March 28th, 2018 originally from Jason Van Dyke that
4 states, "Lol. You are a dead man. Enjoy it while it
5 lasts"?

6 A Yes.

7 Q And again, did you perceive this as a threat
8 to your life?

9 A Yes, this e-mail the same day just a couple
10 hours later. 21:40 hours is about 9:40, and the other
11 ones were sent at 5 and 4 o'clock. So, you know, this
12 was, you know, a half a day later, and he's -- and
13 he's --

14 Q If you go to P-10 --

15 A -- sending this garbage.

16 Q -- and do you see that this is an original
17 e-mail from Jason Van Dyke to Dean Anderson on Tuesday,
18 April 3, 2018?

19 A Yes, that's what it looks like.

20 Q If you could review the e-mail briefly and let
21 me know if you have ever seen this threat before.

22 A "Calling me a pedophile now, Tom? That's
23 cute."

24 I think I might have. I've sent you so many
25 e-mails, I'm not sure.

THOMAS C. RETZLAFF - October 25, 2018

1 Q I understand.

2 A And some of the e-mails I sent you were
3 duplicates and stuff, so this might have been a part of
4 a chain of e-mails. I can't recall.

5 Q That's okay. And again, though, in this
6 e-mail, is Mr. Van Dyke e-mailing a Dean Anderson but
7 saying Tom?

8 A Yes, he is.

9 Q Okay. And you believe that he is directing
10 this at you; is that correct?

11 A Absolutely. It would be just like if I were
12 to call Van Dyke's mother up and say, hey, I'm going to
13 murder Jason this weekend with my rifle. You know,
14 that would -- it's saying --

15 Q It didn't make the threat any less concerning
16 to you?

17 A Absolutely.

18 Q Okay. Go ahead and move on to P-11.

19 A Okay.

20 Q As you can see, that you had forwarded me this
21 e-mail.

22 A Yes.

23 Q Do you see that?

24 A Yes.

25 Q Okay. And that it was originally a forward of

THOMAS C. RETZLAFF - October 25, 2018

1 an e-mail from Dean Anderson to you that originated
2 from Jason Van Dyke?

3 A Yes.

4 Q Okay. And the e-mail from Jason Van Dyke
5 dated June 4, 2018 reads, "Kill yourself, Tom"?

6 A Yes.

7 Q Okay. Did this concern you?

8 A No, correction. Not June 4th, April 6th.

9 Q Oh, April 6th. I appreciate that.

10 A Yeah.

11 Q Does this e-mail concern you?

12 A Yes. You know, not as much as the one about,
13 you know, the rifle and I'm going to come and see you
14 this weekend. You know, this e-mail was, you know,
15 three days after the -- after P-10 and, let's see, P-9
16 and the earlier ones. It was just about a week after
17 those.

18 Q Okay.

19 A You know, it was upsetting. I found it
20 harassing.

21 Q Do you find these e-mails and threats
22 harassing?

23 A Yes, I found these e-mails harassing,
24 annoying, and quite alarming.

25 Q Okay. P-12, please, Mr. Retzlaff. And this

THOMAS C. RETZLAFF - October 25, 2018

1 is another one from Jason Van Dyke to Dean on Saturday,
2 April 7th, that reads, "You should kill yourself." Did
3 I read that correctly?

4 A Yes, you did. I thought that was a duplicate
5 of P-11, but no, that's a different e-mail.

6 Q Okay. So this is another e-mail where Mr. Van
7 Dyke is telling you to kill yourself?

8 A Well, that's what -- it certainly appears
9 that. I don't know if this is one of the e-mails that
10 I sent you or not.

11 Q It originated from -- from Mr. Van Dyke?

12 A Okay.

13 Q Go ahead and move to P-13.

14 A All right. All right.

15 Q This is another e-mail originating from
16 Mr. Van Dyke to Dean Anderson, and do I read it
17 correctly to say, "Go kill yourself"?

18 A Yes.

19 Q Okay.

20 A And this one looks like it was just about a
21 day -- sent a day after P-12.

22 Q Correct. So from P-11, P-12, and P-13, those
23 are three different instances where Mr. Van Dyke is
24 telling you to kill yourself; is that correct?

25 A That's the way that I take it.

THOMAS C. RETZLAFF - October 25, 2018

1 Q Okay. P-14, are you there?

2 A Yes, I am.

3 Q Okay. And this is another e-mail from Jason
4 Van Dyke dated Sunday, April 8th, 2018 to Dean
5 Anderson. And I'm just gonna read -- the last line of
6 that first e-mail reads, "Oh, and you should kill
7 yourself. Save me the trouble."

8 Did I read that correctly?

9 A Yeah, I see that on there.

10 Q Okay. Is this then the fourth instance of
11 Mr. Van Dyke telling you to kill yourself?

12 A Well, he's saying that to Dean Anderson, which
13 I take it that he's referring to me.

14 Q Okay. And go ahead to P-15. Do you agree
15 this is another e-mail from Jason Van Dyke dated
16 Sunday, April 8th, 2018 to Dean Anderson and states,
17 "Keep digging your own grave. And while you are at it:
18 kill yourself"?

19 Did I read that correctly?

20 A Yes, that's what it says.

21 Q Okay. Go ahead and go to P-16. Do you
22 recognize this e-mail?

23 A Yes, I do.

24 Q Okay. Is this a true and correct e-mail that
25 you had sent your attorney Jeffrey Dorrell and copied

THOMAS C. RETZLAFF - October 25, 2018

1 myself on?

2 A Yes, amongst several other individuals.

3 Q Yes. What is the basis of this e-mail?

4 A Oh, Van Dyke called up Jeff Dorrell and said
5 he was going to murder me. You know, it says it right
6 there in the body of the letter, that Mr. Van Dyke
7 e-mailed that if he could not get satisfaction from
8 Retzlaff in court, that he would deal with Mr. Retzlaff
9 in another way. "'The motherfucking state bar can have
10 my license. If this doesn't stop TODAY,' Mr. Retzlaff
11 will have 'a hell of a lot more to worry about than
12 just my lawsuit,'" you know, which refers back to the
13 threats about the guns and the murdering me and all
14 that good shit.

15 And then Van Dyke told Mr. Dorrell that he
16 found my physical address and intended to go to Arizona
17 and beat me to within an inch of my life. He further
18 stated, "If you consider that a threat, then do
19 whatever you have to do," which is really bizarre.

20 MR. VAN DYKE: Objection to hearsay portions
21 of the answer.

22 Q BY MS. BRADY: Is this something then that
23 your attorney Mr. Dorrell told you after he spoke to
24 Mr. Van Dyke? Is that my understanding?

25 A Yes, after Van Dyke called him, I believe on a

THOMAS C. RETZLAFF - October 25, 2018

1 recorded line, too.

2 Q Okay. And what effect did it have on you when
3 Mr. Dorrell told you this information?

4 A Very angry; very, very angry.

5 Q Were you concerned for your safety?

6 A Absolutely. I'm concerned for my safety. I'm
7 concerned for Mr. Dorrell's safety and the safety of
8 his staff members at his law firm with whom I have paid
9 a great deal of money to, and I would hate to see
10 anything unfortunate happen to them. But, you know,
11 lawyers get killed by vexatious crazy people all the
12 time, unfortunately.

13 Q Okay. I'm going to have you move to P-17,
14 Mr. Retzlaff.

15 A Okay.

16 Q And I'm going to refer you to the bottom of
17 the e-mail that's from Mr. Van Dyke to Jeffrey Dorrell
18 and Alan Taggart.

19 A Yes. Where is Alan, by the way?

20 Q Jeffrey Dorrell is your attorney. Do you know
21 who Alan Taggart is?

22 A I know of him, and I'm surprised that he's not
23 here today.

24 Q And why does that surprise you?

25 A Well, Alan Taggart was supposed to be

THOMAS C. RETZLAFF - October 25, 2018

1 representing Jason Van Dyke in these Bar complaints,
2 from what I understand.

3 Q Okay. Now, in P-17 -- have you seen this
4 e-mail before?

5 A Yes, I have.

6 Q It looks like it was forwarded to you from
7 your attorney to Mr. Dorrell?

8 A Yes. Every time he does that, too, it costs
9 me money.

10 Q (Inaudible.)

11 A Say again.

12 Q What effect, if any, did this e-mail have on
13 you personally?

14 A Well, it made me angry, because every time Van
15 Dyke sends one of these stupid e-mails, it costs me
16 money, because then my attorney has to press a button
17 on his computer to forward the e-mail, which is a
18 billable hour, which means it shows up in an invoice at
19 some point. So that kind of sucks.

20 But yeah, when he says, "The motherfucking
21 state bar can have my license for all I care," you
22 know, this obviously shows his contempt for the State
23 Bar of Texas, for his position as a public official.
24 You know, when you get a Bar card from the State, you
25 are supposed to hold yourself out to a higher standard.

THOMAS C. RETZLAFF - October 25, 2018

1 And this was during the time when Van Dyke is suing me
2 for \$100 million, and he uses these kinds of threats
3 and intimidation to try to browbeat his opponents into
4 submission. You know, unfortunately --

5 Q And it says -- other than -- where he mentions
6 the state bar above that, it reads, "This is going to
7 stop, and it is going to stop TODAY. If it doesn't,
8 Mr. Retzlaff and his cronies are going to have a hell
9 of a lot more to worry about than just my lawsuit."
10 What did you take that to mean?

11 A Well, Van Dyke has been working with a revenge
12 pornographer by the name of James McGibney from
13 California. McGibney runs a revenge porn Web site. He
14 filed a series of SLAPP lawsuits against me and lost
15 spectacularly, but he's also a member of the illegal
16 hacking group Anonymous. And, in fact, there was a
17 write-up about him in Al Jazeera magazine.

18 And so I suspect that when Van Dyke is
19 referring to cronies, he is conflating the Internet
20 trolls that are harassing Van Dyke, allegedly, with
21 myself.

22 Van Dyke, when he filed his lawsuit against
23 Pink Meth and Google and the -- the Tor Internet
24 browser several years ago, apparently it got a lot of
25 people angry about that, and Van Dyke was exposed to

THOMAS C. RETZLAFF - October 25, 2018

1 the world. And, you know, he claims that these people
2 were harassing him. I don't know if it's true or not.
3 Frankly, I do not care. But apparently he is
4 conflating me with -- in claiming that I've got
5 cronies.

6 Q And in the second part, that -- keep reading
7 on that sentence in that paragraph. "I am not going to
8 tolerate this anymore, and if you construe this as a
9 threat, then by all means go and do what you need to
10 do."

11 Did you construe this as a threat?

12 A Yes, because you have to look at this in
13 context. You know, this wasn't just a one-off e-mail.
14 If it was, you know, it could be somebody angry
15 about -- because he's losing this lawsuit. He's -- he
16 lost at the moment he -- he filed it. But, you know,
17 you could construe this, if it was just by itself, as
18 just, you know, an angry litigant and that's it.

19 But you've got to remember, there's this
20 history, this pattern that goes back several years.
21 Van Dyke, you know, goes on social media. He's
22 threatened Ken White, who is a former United States
23 attorney and a lawyer in Los Angeles, a good guy. I
24 like him a lot. He's threatened Ken White, sent a
25 glitter bomb to his place of work, threatened his wife

THOMAS C. RETZLAFF - October 25, 2018

1 and children. He's done this with other people that
2 he's filed lawsuits against. You know, the State Bar
3 file on Van Dyke is just ridiculous, and you guys
4 should have done something a long time ago. But, yeah,
5 you know, when you --

6 Q Okay. We're gonna move on.

7 A All right.

8 Q Prior to receiving the threats that we went
9 over in those e-mails this year, had you then received
10 any other social media posts or threats from Mr. Van
11 Dyke to other individuals?

12 A Yes, I have.

13 Q Okay. And as I believe you stated earlier,
14 and that also increased your concern for your own
15 safety when you started receiving threats?

16 A Yes. There was an article -- when Van Dyke
17 filed the lawsuit against the Victoria County DA's
18 office, there was an article written up in Texas Lawyer
19 magazine by a good friend of mine. And Van Dyke was --
20 was very angry about that.

21 And at the time they had a comment section on
22 that Web site, and several people had posted comments
23 on there, and Van Dyke posted threatening responses
24 saying that he could identify these people that were
25 posting the comments and that he knew -- I believe it's

THOMAS C. RETZLAFF - October 25, 2018

1 been, you know, a while now, but I believe the gist of
2 it was is he knew who the people were that were -- you
3 know, cost him his job. And -- let's see. He posted a
4 picture of himself on Facebook wearing some kind of
5 half-ass ghillie suit, which is a set of camouflage
6 clothes that snipers wear, but this was some
7 nigger-rigged shit.

8 Q Okay. We are going to get to some of these,
9 but let's just move on.

10 A Well, he posted a photo of himself with a
11 semi-automatic rifle saying something about, you know,
12 in the daytime I wear a business suit, but if you mess
13 with my job, my daytime job, I'll show up at your
14 doorstep wearing this suit, showing himself in this
15 military gear with a semi-automatic rifle and his
16 ammunition.

17 Q And did that cause a concern for you?

18 A Yes, it did. Absolutely.

19 Q And why is that?

20 A Well, you know, when somebody posts
21 threatening messages on social media like that, you
22 have to take it seriously. You know, schools get
23 locked down, businesses get evacuated for -- for things
24 like that. And again, in this day and age, you know,
25 you really don't know who you are dealing with other

THOMAS C. RETZLAFF - October 25, 2018

1 than that Van Dyke's as crazy as a bedbug and isn't
2 afraid to tell people about it. You know, he regularly
3 posts photographs of himself with these guns.

4 And, you know, another person that he
5 threatened to file a lawsuit against, Talib Kweli, a
6 rapper in New York City, he posted a statement saying
7 that I'm going to skin you alive and put your skin on
8 my living room floor. And then short --

9 Q We are going to get to some of those. So
10 let's just move on.

11 Can you go to P-18 for me, please,
12 Mr. Retzlaff.

13 A All right.

14 Q Are you there? Have you seen this before?

15 A Yes, I have.

16 Q Okay. And is this the -- I believe is it the
17 Twitter account of Mr. Van Dyke?

18 A Yes, and until he got banned.

19 Q Okay. If you go to P-20 -- or P-19. I
20 apologize.

21 A Yes, P-19. I'm looking at it right now.

22 Q All right. Have you seen this before?

23 A Yes, I have.

24 Q Okay. I believe you sent this to me; is that
25 right?

THOMAS C. RETZLAFF - October 25, 2018

1 A Yes, I did.

2 Q Okay. And can you tell me what this is?

3 A It's an Instagram account for a user by the
4 name proudboywaterfowler, f-o-w-l-e-r.

5 Q Do you know who that could be?

6 A Well, it has the photograph of Jason Van Dyke
7 on there, and the Instagram account regularly posts
8 photographs of Jason Van Dyke.

9 Q Okay. And what is this post?

10 A Well, this post here was a -- a screenshot of
11 an order that was signed by the US Fifth Circuit Court
12 of Appeals, because myself and the Hanszen Laporte law
13 firm, we are ready to rock and roll on this. We wanted
14 to get expedited consideration of our appeal once we
15 filed a brief. But the Court of Appeals denied the
16 motion to expedite, and then the user
17 proudboywaterfowler states, "I wonder how much of this
18 stalkers ass I am going to have to kick in Court before
19 he realizes that he has 'come up against a man who
20 simply cannot be intimidated.'"

21 Q And if you see a little below that, under
22 where it says 15 likes, it states it was August 23rd.
23 Is that right?

24 A That's the date that this was posted, was on
25 August 23rd.

THOMAS C. RETZLAFF - October 25, 2018

1 Q Okay.

2 A I don't recall what date it was that I made
3 the screenshot on.

4 Q While this case here with the State Bar was
5 pending; is that right?

6 A Yes.

7 Q Go ahead and go to P-20, please.

8 A Okay.

9 Q And is this a true and correct copy of another
10 post that you saw posted by Mr. Van Dyke?

11 A This is a true and correct copy of a
12 screenshot I made of an Instagram post from the user of
13 proudboywaterfowler.

14 Q And this post names you individually?

15 A Yes, it certainly does.

16 Q And what effect, if any, did that have on you?

17 A Well, I was upset because he refers me in the
18 same sentence with a political group called Antifa,
19 A-n-t-i-f-a, which is a group of a bunch of liberals.

20 And let's see. He says, the user
21 proudboywaterfowler states, "I reject this notion that
22 we can't talk to people we disagree with. There are
23 some people (the Antifa and Tom Retzlaffs of this
24 world) that just need to be kicked off the planet. The
25 MSD kids a meet in person were not unreasonable and did

THOMAS C. RETZLAFF - October 25, 2018

1 not fit that criteria."

2 This is referring to Van Dyke met with some
3 children, I believe, that were involved in a school
4 shooting in Florida, and I forgot what -- the kid's
5 name is Hogie or something. I don't know. He's a
6 professional crybaby, is what he is, an antigun nut.
7 And Van Dyke apparently met with this guy, I don't
8 know. But anyways, this was posted on July 8th.

9 Q Okay. I'm gonna go through some social media
10 posts, and I'm gonna try and go through them fairly
11 quickly, and then I'm going to ask you questions about
12 them as a whole in the end so that we can get through
13 these.

14 So on P-21, are you there?

15 A Yes.

16 Q Is this a true and correct copy of a post you
17 personally saw that was posted by Mr. Van Dyke?

18 A It was posted by the account J.L. Van Dyke.

19 Q Okay.

20 A And this is a true and correct screenshot of a
21 post. Yes, I made this and sent that to you.

22 Q Okay.

23 A And that's the one that I was referring to --

24 Q (Inaudible) --

25 A -- earlier where --

THOMAS C. RETZLAFF - October 25, 2018

1 Q "If you mess with my career"; is that correct?

2 A Yes. That's the -- that's the post -- social
3 media post that I referenced earlier about Van Dyke
4 dressed up in some hillbilly version of a ghillie suit.

5 Q Okay. Go to P-22, please. Is this a true and
6 correct copy of another social media post that you read
7 that Mr. Van Dyke made?

8 A This is made by the Twitter user MeanTXLawyer
9 using the name Jason L. Van Dyke with a photograph of
10 Jason L. Van Dyke.

11 Q Okay. And in this one it states, "I WILL kill
12 both you and your family"?

13 A Yes. This is in reference to his lawsuit
14 against the Pink Meth people.

15 Q Okay. Move on to P-23.

16 A Yes, I see it.

17 Q Is this a true and correct copy of a post that
18 you personally read that Mr. Van Dyke posted?

19 A Well, this was posted by the Twitter user J.L.
20 Van Dyke, the user @RealJLVD. It looks like it has a
21 photograph of Jason Van Dyke. You know, I can't, you
22 know, say who is the person behind the keyboard. I can
23 just identify, you know, that the screenshot is true
24 and accurate of what I saw in my computer at the time
25 and that the copy is a true and correct copy.

THOMAS C. RETZLAFF - October 25, 2018

1 Q And at the time, you did believe this to be
2 Mr. Van Dyke?

3 A Yes.

4 Q Okay. And is --

5 A Taken -- taken in context with other posts by
6 this --

7 Q (Inaudible) --

8 A -- Twitter user.

9 Q (Inaudible) get his jaw broken; is that
10 correct?

11 THE COURT REPORTER: You are going to have to
12 say your question again. I'm sorry.

13 MS. BRADY: That's okay.

14 Q BY MS. BRADY: And in P-23, it states,
15 "Asher's choice is for us to leave each other alone or
16 get his jaw broken." Did I read that correctly?

17 A Yes.

18 Q Okay. P-24, is this a copy of another post
19 that you sent that states Jason L. Van Dyke
20 @MeanTXLawyer with a picture of Mr. Van Dyke that you
21 understood to be Mr. Van Dyke posting?

22 A Yes.

23 Q Okay. And in it, does it make more death
24 threats?

25 A Yes. He's referencing Kyle, which is his

THOMAS C. RETZLAFF - October 25, 2018

1 co-lawyer there, Kyle Bristow, his Nazi buddy
2 from -- from Michigan. And this is in regards to the
3 lawsuit several years ago that they concocted against
4 the -- a Web site called Pink Meth and a Internet
5 browser called Tor, and I believe they sued Google as
6 well --

7 Q Okay.

8 A -- just to give you some context. But it was
9 another reference.

10 Q Okay. And it looks like these are comments or
11 posts Mr. Van Dyke made that you sent to me. Does this
12 look accurate?

13 A Yes. These were the comments I referenced to
14 earlier that were in -- underneath the article in Texas
15 Lawyer.

16 Q Okay. And these look like a true and correct
17 copy of the comments that you sent to me?

18 A Yes.

19 Q Move to P-26. It looks like this is just a
20 duplicate of the other one, correct?

21 A Yes.

22 Q Okay. Go ahead and move on to P-27. Are you
23 there, Mr. Retzlaff?

24 A Yes, I am, 27.

25 Q Okay. Is this a true and correct copy of

THOMAS C. RETZLAFF - October 25, 2018

1 another document with comments that you sent to me?

2 A Yes, it is.

3 Q And this is a Jason Lee Van Dyke. Is that who
4 you believe to be the respondent posting these
5 comments?

6 A Yes. It has a picture of him with a bunch of
7 stupid looking ducks.

8 Q Okay. P-28 --

9 A All right.

10 Q -- is this a true and correct copy of posts
11 that you have seen from J.L. Van Dyke @RealJLVD with a
12 picture of the respondent?

13 A Yes.

14 Q Okay. And have you seen these prior to
15 yourself receiving death threats from Mr. Van Dyke?

16 A These were -- let's see. Did I see them
17 before or after the death threats from Van Dyke? I
18 cannot recall for sure.

19 Q Okay. P-29, I believe this is another
20 duplicate. Go ahead and go to P-30.

21 A Okay.

22 Q And this states from J.L. Van Dyke @RealJLVD
23 with a photograph of the respondent, Mr. Van Dyke. "I
24 wonder what a flight to Omaha, then to LAX, and then
25 back to Dallas would cost?" Did I read that correctly?

THOMAS C. RETZLAFF - October 25, 2018

1 A Yes.

2 Q And this is a true and correct copy of a post
3 that you had seen and believed Mr. Van Dyke to have
4 posted?

5 A Yes.

6 Q Go ahead and go to P-32.

7 A To 32 or do you want to go to 31?

8 Q 31 would be better first. Thank you.

9 A Okay.

10 Q Is this a true and correct copy of a post you
11 saw made by J.L. Van Dyke that you believe to be the
12 respondent?

13 A Yes.

14 Q Okay. And what is this a picture of?

15 A It is a picture of a hollow-point bullet. It
16 looks like a .38 caliber round, maybe a .44. I can't
17 tell for sure from the photograph.

18 Q And on it, it says, "So there is this new
19 implant that can actually fix stupid."

20 Did I read that correctly?

21 A Yes, you did.

22 Q Go ahead and go to P-32 now.

23 A Okay.

24 Q Is this a true and correct copy of other
25 comments that you have seen from J.L. Van Dyke

THOMAS C. RETZLAFF - October 25, 2018

1 @RealJLVD with a picture of respondent that you believe
2 to be respondent posting?

3 A Yes, Twitter user @RealJLVD, correct.

4 Q Go ahead and go to P-33. Again, is this a
5 true and correct copy of a post by J.L. Van Dyke with a
6 picture of the respondent, Mr. Van Dyke, that you
7 believe to be Mr. Van Dyke posting?

8 A Yes. This was a -- I believe this was posted
9 on, I think it was Facebook or Yelp, some social media
10 Web site. I can't recall offhand. But yeah, and at
11 the time, this was when Van Dyke and Ken White were
12 going through a very public dispute with one another.
13 Ken White is a -- in addition to being a lawyer in Los
14 Angeles and a former United States attorney, he blogs
15 on a Web site called Popehat. And Mr. Van Dyke has
16 been the frequent subject of that blog, and this is a
17 blog that's read all over the world, I think.

18 Q Okay.

19 A Which sucks for Van Dyke.

20 Q Let's go to P-34.

21 A It sucks for Jason.

22 Okay.

23 Q Is this another true and correct copy of a
24 post by J.L. Van Dyke @RealJLVD with a picture of the
25 respondent that you believe to be posted by the

THOMAS C. RETZLAFF - October 25, 2018

1 respondent?

2 A Yes.

3 Q Go ahead and go to P-35.

4 A Okay.

5 Q Okay. Is this a true and correct copy of
6 posts by J.L. Van Dyke @RealJLVD with a picture of the
7 respondent that you believe to be posted by the
8 respondent?

9 A Yes.

10 Q Go to P-36.

11 A All right.

12 Q And is this a true and correct copy of a post
13 by J.L. Van Dyke @RealJLVD with a picture of the
14 respondent that you saw and believed to be the
15 respondent?

16 A Yes.

17 Q Okay. P-37.

18 A Yes.

19 Q Have you seen this document before?

20 A Yes, I have.

21 Q And how have you seen this document?

22 A This was a document that was from Ken White.

23 Q And how did you see it?

24 A Posted on Mr. White's Web site.

25 Q And this is a true and correct copy of the

THOMAS C. RETZLAFF - October 25, 2018

1 document that you saw on Mr. Pope's (sic) Web site?

2 A On Mr. White's Web site, yes.

3 Q Okay. Go to P-38.

4 A All right.

5 Q Is this a true and correct copy of a post by
6 Jason L. Van Dyke @MeanTXLawyer with a picture of the
7 respondent that you saw and believed to be the
8 respondent?

9 A Yes.

10 Q P-40 -- or 39. I apologize.

11 A Sorry.

12 Q Is this a true and correct copy of a post by
13 Jason L. Van Dyke @MeanTXLawyer with a picture of the
14 respondent that you viewed and believed to be the
15 respondent?

16 A Yes.

17 Q Okay. P-40.

18 A Okay.

19 Q Is this a true and correct copy of a post by
20 Jason L. Van Dyke, I believe it's MeanTXLawyer -- I
21 can't read that one -- with a picture of the respondent
22 that you viewed and believed to be the respondent?

23 A Yes.

24 Q P-41, again, is this a true and correct copy
25 of a post by J.L. Van Dyke with a picture of the

THOMAS C. RETZLAFF - October 25, 2018

1 respondent that you viewed and believed to be the
2 respondent?

3 A Yes. This is in reference to Talib, the New
4 York rapper, where he says he's going to skin him and
5 have his hide put on display in his living room.

6 Q Okay. And that's what you had testified to
7 earlier?

8 A Yes.

9 Q Okay. P-42.

10 A And at the time when this was posted was when
11 Mr. Van Dyke was either suing or threatening to sue
12 Talib for defamation.

13 Q Okay. Are you on P-42?

14 A Yes.

15 Q All right. Do you know what this is?

16 A Yes, I do.

17 Q And what is it?

18 A This is a report from the Southern Poverty Law
19 Center regarding the Proud Boys, the white supremacist
20 group that I mentioned. And this is a true and correct
21 copy of the document that I had sent you.

22 Q Okay. In the exhibits that we just went over,
23 all of the social media posts involving different
24 individuals, when you either saw them beforehand,
25 before the threats made to you by Mr. Van Dyke or

THOMAS C. RETZLAFF - October 25, 2018

1 afterwards, did these give you any increasing concerns
2 for your own physical safety?

3 A Yes, it did, because it shows me that this
4 wasn't just a one-off thing, that this is a part of
5 his -- a pattern and practice, specific behavior,
6 specific intent to terrorize people, to threaten people
7 that he files lawsuits against, to threaten people with
8 physical violence as a way of gaining an unfair
9 advantage in his litigation. This is -- this is a part
10 of his courtroom strategy, is my belief.

11 Q And in regard to the Proud Boys organization
12 in which you previously testified that you believe them
13 to be a violent group, why do you believe that?

14 A Well, I believe it because I have seen
15 photographs and video of Jason Van Dyke on the streets
16 of Austin just a few months ago carrying a Bowie knife
17 running around chasing people getting into fights on
18 the street and trying to stab them with a group of
19 similarly, if not identically, dressed individuals.

20 Just last weekend in New York City, the same
21 exact organization wearing the same exact uniforms were
22 involved in a street fight there which resulted in
23 warrants for at least nine people being arrested. The
24 New York Police Department has opened up a -- an
25 investigation into -- see, I've -- I've had

THOMAS C. RETZLAFF - October 25, 2018

1 communications with John Miller. He's the
2 counterterrorism guy at NYPD, and they've opened up an
3 investigation into this organization with regards to
4 terrorism, domestic terrorism.

5 The same group, the Proud Boys, and Gavin
6 McInnes himself was sued in federal court for his
7 involvement in the Charlottesville riot last year which
8 resulted in a woman being murdered and a bunch of other
9 people being killed as well.

10 Just a couple of weeks ago in Southern
11 California, some more Proud Boys, hang-arounds or
12 groupies, were rounded up on federal charges for
13 interstate travel for rioting.

14 Again, with this Charlottesville nonsense or
15 Charlottesville nonsense, Van Dyke was arrested for
16 fighting -- or wasn't arrested. He was detained for
17 bar fighting there in Denton about a year or two ago
18 because of a political statement. Some guy didn't like
19 Van Dyke's hat or something like that and made a smart
20 comment to him and got into a fight. And when the
21 police searched him, a knife was found.

22 You know, just reading over the different Bar
23 complaints on Van Dyke, you know, he threatens people
24 with violence regularly. You know, this is a guy with
25 a screw loose, you know. And then he, you know, sent

THOMAS C. RETZLAFF - October 25, 2018

1 me some letter, you know, wanting to settle the lawsuit
2 in exchange for me dropping the State Bar complaint
3 against him. My response was extremely profane.

4 And I don't want to burden you with -- with my
5 profanities, but, you know, this guy -- this guy is a
6 lunatic. And I've been dealing with lunatics like this
7 for several years in these SLAPP lawsuits.

8 Van Dyke is hooked up with this revenge
9 pornographer and his idiot attorney Evan Stone who
10 lives in Denton, and for some reason he's trying to get
11 my daughter involved in this, which is really stupid,
12 because she doesn't know who he is. You know --

13 Q It's your daughter?

14 A It's my daughter Brittany. She helped me when
15 I was being sued by this McGibney guy. We sabotaged
16 his lawsuits by sending -- McGibney was sent a bunch of
17 disinformation by her and stuff, and he would go into
18 court, and it just turned out to be stupidity. It's
19 stupidity. You know, don't put my name on court
20 papers, you know. That should have been the lesson
21 learned, but Van Dyke didn't learn that, I guess.

22 And in fact this morning --

23 MS. BRADY: Okay, we're gonna -- I'm done with
24 my questioning, and Mr. Van Dyke now has an opportunity
25 to question you, but we're going to take five, ten

THOMAS C. RETZLAFF - October 25, 2018

1 minutes so we can set up.

2 THE WITNESS: Well, we better hurry up,
3 because like I said, I heard there's a warrant out for
4 his arrest, and I don't know how much longer this guy
5 has got.

6 MS. BRADY: Okay, well, we will -- I'm gonna
7 mute for now, and then when we are back, I will say so.
8 Okay?

9 THE WITNESS: All right. Not too long,
10 please, because I'm planning on --

11 MS. BRADY: Just five, ten minutes.

12 THE WITNESS: -- playing golf with my
13 daughter.

14 (The deposition was at recess from 12:03 p.m.
15 to 12:09 p.m.)

16 MR. VAN DYKE: Let's go back on the record.

17 Madam Court Reporter, does Mr. Retzlaff have
18 the exhibits in front of him that were printed out and
19 mailed to you?

20 THE COURT REPORTER: Yes, let me give them to
21 him.

22

23 EXAMINATION

24 BY MR. VAN DYKE:

25 Q Mr. Retzlaff, would you please look at Exhibit

THOMAS C. RETZLAFF - October 25, 2018

1 1 from the exhibits in front of you, please.

2 A I see it.

3 Q Is that a true and correct copy of your
4 criminal history in the state of Texas?

5 A I cannot authenticate that document.

6 Q All right. Mr. Retzlaff, were you charged
7 with harassment on or around August 15th, 1995?

8 A My response is, I have no criminal convictions
9 which would be admissible for impeachment purposes
10 under Texas Rule of Evidence 609.

11 MR. VAN DYKE: Objection, nonresponsive.

12 Q BY MR. VAN DYKE: Mr. Retzlaff, were you first
13 charged with harassment on or around August 15, 1995?

14 A I'm refusing to answer on the ground that the
15 question is merely for purposes of harassment.

16 Q So you are refusing to answer that question?

17 A Yes.

18 Q Are you going to refuse to answer all my
19 questions with respect to your criminal history today?

20 A Yes. I have none which would be admissible
21 for impeachment purposes under Rule 609.

22 Q When were you released from the Institutional
23 Division of the Texas Department of Criminal Justice?

24 A I can't help you with that. I find that
25 question to be given for purposes of harassment.

THOMAS C. RETZLAFF - October 25, 2018

1 Q Okay. Since your release from the Texas
2 Department of Criminal Justice Institutional
3 Division --

4 A Objection.

5 Q -- have you been charged with any crimes?

6 A I am objecting because it's assuming facts not
7 in evidence.

8 MR. VAN DYKE: Objection, nonresponsive.

9 THE WITNESS: I can make objections.

10 Q BY MR. VAN DYKE: Since your release from
11 prison, Mr. Retzlaff, have you been charged with any
12 crimes?

13 A I can make objections.

14 MR. VAN DYKE: Objection, nonresponsive.

15 THE WITNESS: I find your question --

16 Q BY MR. VAN DYKE: Since being released from
17 prison, have you been charged with any offense?

18 A I find your question merely for purposes of
19 harassment, and I'm not going to respond to it.

20 Q Fine. Have you been convicted of any offense
21 since your release from the -- from prison?

22 A I have no convictions which would be
23 admissible for impeachment purposes under Rule 609.

24 Q When was the last time you were convicted of a
25 criminal offense?

THOMAS C. RETZLAFF - October 25, 2018

1 A I'm not going to answer that question because
2 it's for purposes of harassment.

3 Q Mr. Retzlaff, I'm entitled to inquire as to
4 your criminal history and determine whether any
5 offenses you've been convicted of are admissible under
6 609. Are you refusing to answer my question with
7 respect to any criminal offenses?

8 A Is that your legal opinion that you are
9 entitled to this?

10 MR. VAN DYKE: Objection, nonresponsive.

11 Q BY MR. VAN DYKE: Mr. Retzlaff, are you going
12 to answer my questions?

13 A I'm not going to answer that question.

14 Q Mr. Retzlaff, do you understand that I can get
15 an order from the district courts in Arizona to compel
16 you to answer my questions today?

17 A Is that your legal opinion?

18 MR. VAN DYKE: Objection, withdrawn.

19 Q BY MR. VAN DYKE: Mr. Retzlaff, do you know
20 what a vexatious litigant is?

21 A No.

22 Q Mr. Retzlaff, have you ever been declared a
23 vexatious litigant by any court?

24 A Yes.

25 Q Mr. Retzlaff, will you please have a look at

THOMAS C. RETZLAFF - October 25, 2018

1 Exhibit 2.

2 A Okay.

3 Q Can you tell me whose name is outlined with a
4 red square on that document?

5 A I cannot authenticate that document.

6 Q I'm not asking you to authenticate it. I'm
7 asking you to tell me whose name is outlined in a red
8 square on that document.

9 A I see that the name Retzlaff, Tom, is outlined
10 in red.

11 Q Would it be accurate to say that you were
12 declared a vexatious litigant on or around
13 October 15th, 2008 by the Bexar County Court of Law
14 No. 3?

15 A Yes.

16 Q Okay. Are you familiar with a person by the
17 name of Philip Klein?

18 A I can't help you with that.

19 MR. VAN DYKE: Objection, nonresponsive.

20 Q BY MR. VAN DYKE: Mr. Retzlaff, are you
21 familiar with an individual by the name of Philip
22 Klein?

23 A Oh, I've heard of Philip Klein.

24 Q Have you ever litigated against Philip Klein?

25 A He's filed lawsuits against me.

THOMAS C. RETZLAFF - October 25, 2018

1 Q Have you intervened in any litigation
2 involving Philip Klein?

3 A Not voluntarily, no. In fact, no, I haven't.
4 I was dragged into some litigation involving Philip
5 Klein and his bizarre conspiracy theories involving
6 myself, the Beaumont Court of Appeals, the district
7 attorney, the sheriff and some Texas state judges that
8 he claims that myself and all of us are in the Aryan
9 Brotherhood and we're in a conspiracy against him.

10 Q Okay. Will you please look at Exhibit 3.

11 A I see it.

12 Q Do you recognize that document?

13 A I'm sorry, I cannot authenticate this.

14 Q What does it appear to be Mr. Retzlaff?

15 A It appears to be a piece of paper with some
16 words on it. I can't authenticate this.

17 Q Do you see your name anywhere on that
18 document, Mr. Retzlaff?

19 A Yes. Somebody did write my name on that
20 document.

21 Q I'm looking at the second paragraph where it
22 says, "Ordered that Defendants' Motion to Strike all
23 Pleadings Filed by Thomas Retzlaff, a Vexatious
24 Litigant, is hereby GRANTED."

25 Is that what it says?

THOMAS C. RETZLAFF - October 25, 2018

1 A Those are the words that are on that document.

2 Q So I'll ask you again. Did you file any
3 pleadings in the case, Cause Nos. 2014-CI-17145?

4 A You never asked me that question before.

5 Q I asked you if you had ever -- I'll rephrase,
6 Mr. Retzlaff.

7 Did you file any pleadings in Cause No.
8 2014-CI-17145?

9 A Yes, I did.

10 Q And were those pleadings stricken by the order
11 of that court?

12 A No, they are still there.

13 Q So you are telling me that this order -- that
14 this order that's in front of you as Exhibit 3 did
15 not -- was not an order striking your pleadings in that
16 case?

17 A This isn't an order. I see an unauthenticated
18 document that has words on a piece of paper. I dispute
19 your contention that this is some kind of an order.

20 Q Mr. Retzlaff, how many Texas lawsuits have you
21 been involved in since October --

22 THE COURT REPORTER: I'm sorry, wait, wait.

23 (A discussion was held off the record.)

24 Q BY MR. VAN DYKE: How many Texas lawsuits have
25 you been involved in since October 15th, 2008?

THOMAS C. RETZLAFF - October 25, 2018

1 A I am not going to answer that question because
2 I find it to be for harassment.

3 MR. VAN DYKE: Objection, nonresponsive.

4 THE WITNESS: As a witness, I'm entitled to
5 object based on harassment. You are not allowed to use
6 a deposition for purposes of embarrassment or
7 harassment or for oppression or to pry into my privacy.

8 Q BY MR. VAN DYKE: Okay. How many grievances
9 have you filed against attorneys since October 15th of
10 2008?

11 A The same response. That question is just for
12 harassment purposes. I'm not going to answer it.

13 Q Have you ever filed a grievance against Marc
14 Randazza, an attorney in Nevada?

15 A Yes, I have.

16 Q What were your allegations against him?

17 A Conflict of interest, stealing client moneys,
18 lying to the court. I don't know. There's probably
19 eight or nine different things I -- I filed a grievance
20 about.

21 Q Have you ever filed a grievance against Jay
22 Leiderman, an attorney in California?

23 A Yes.

24 Q What were your allegations against him?

25 A Violating a court sealing order with regards

THOMAS C. RETZLAFF - October 25, 2018

1 to some documents. Randazza got suspended for one year
2 from the State Bar, and Leiderman got disciplined and
3 ordered to go through continue legal education.

4 Q Okay. Did you ever file a grievance against
5 John Morgan, an attorney in Texas?

6 A Yes, I have.

7 Q What were your allegations against him?

8 A That he is a criminal who pled guilty to
9 perjury for filing a series of false police reports
10 against his ex-wife. A disbarment case was filed
11 against him. He pled out and got sent to the -- what
12 is it -- the drug and alcohol rehab with psych
13 counseling with the State Bar nurse. And then another
14 disbarment case is pending against Morgan right now for
15 doing something different.

16 Q You ever file a grievance against Evan Stone,
17 an attorney in Texas?

18 A Not yet, but after I get done with you,
19 I'm -- I'm sure he will be next.

20 Q Have you ever filed a grievance against Alan
21 Taggart, an attorney in Texas?

22 A Yes, based upon the e-mail that was sent by
23 you guys demanding that I dismiss my \$100 million
24 lawsuit in exchange for dropping the State Bar
25 complaint.

THOMAS C. RETZLAFF - October 25, 2018

1 Q Okay. Were you ever represented by any
2 attorney that you filed a grievance against?

3 A No. I love my lawyers.

4 Q So all these attorneys you filed a grievance
5 against represented someone other than you?

6 A Yes.

7 Q And in most cases they were representing a
8 party that was opposed to you in civil litigation; is
9 that correct?

10 A Yes. People make a mistake of putting my name
11 on their court papers, and then their attorneys act in
12 devious, unethical ways, they are going to get spanked.

13 Q Isn't it true you filed a grievance against
14 Marc Randazza because he represented James McGibney in
15 a lawsuit against you?

16 A I can't answer that question.

17 Q Why not?

18 A It calls for speculation.

19 Q I'm asking you -- I'm asking you if you did
20 it. I don't see how that's speculating, Mr. Retzlaff.

21 A You are speculating as to my motives and
22 reasoning, and I don't really recall. It's been a
23 couple years ago when it was filed.

24 Q What were your motives?

25 A I don't recall. Probably mad because he's a

THOMAS C. RETZLAFF - October 25, 2018

1 thief.

2 Q Is it true you filed a grievance against John
3 Morgan because he represented Philip Klein in a lawsuit
4 against you?

5 A I filed -- the grievance speaks for itself.
6 And, in fact, I'm not gonna respond to any more of
7 these questions. I'm finding them to be really
8 harassing, and I'm starting to get a headache.

9 Q What about judges? Have you ever filed a
10 complaint against any judge with the Judicial Conduct
11 Commission?

12 A I can't help you with that.

13 Q Why not?

14 A Because that question is completely harassing
15 and irrelevant.

16 Q All right.

17 A Trying to point the finger at other people's
18 misconduct isn't going to get you out of this mess, Van
19 Dyke. You better rethink your strategy.

20 Q Very well. I'd like you to have a look at
21 Exhibit 4. Do you recognize that?

22 A No, I do not.

23 Q Are you telling me that Exhibit 4 is -- aside
24 from the highlighting, is not a true and correct copy
25 of the e-mail you sent to Kristin Brady, Tonya Harlan,

THOMAS C. RETZLAFF - October 25, 2018

1 and Brittany Paynton on July 9th, 2018?

2 A Just a second. I was looking at a different
3 exhibit. You've got so much crap here, it's hard to
4 keep track of.

5 All right. Okay. Yeah, I'm looking at it.

6 Q Okay. Mr. Retzlaff, except for the
7 highlighting, is that a true and correct copy of the
8 e-mail that you sent to Kristin Brady, Tonya Harlan,
9 and Brittany Paynton on July 9th, 2018?

10 A I don't know. I'd have to go back to my
11 original e-mails and see. I don't know if this has
12 been altered or not. You're -- you're a shady
13 character who engages in criminal conduct, so I
14 wouldn't put it past you to alter these documents, so I
15 don't know.

16 Q Okay. How about this, Mr. Retzlaff. The last
17 highlighted portion, it says, "Now don't blow me off."
18 It begins with that. Did you write that?

19 A Again, I -- I -- I don't recall. I -- I don't
20 know. That's been several months ago, and I've
21 exchanged many different e-mails with Kristin. I don't
22 recall them all.

23 Q All right. Can you turn to Exhibit 5, please.

24 A All right.

25 Q Except for the handwritten note on the front,

THOMAS C. RETZLAFF - October 25, 2018

1 do you recognize this document?

2 A Just a second. I'm trying to organize this
3 crap. No, I don't. It looks like just some stuff that
4 got printed up. I don't know what it is.

5 Q I'd like you to look through all of Exhibit 5,
6 Mr. Retzlaff, and see if you recognize that as the
7 grievance that you filed against me with the State Bar
8 of Texas that we're taking your deposition about here
9 today.

10 A I didn't file it on a piece of paper. I
11 didn't file my grievance on a piece of paper.

12 Q Mr. Retzlaff, is the piece of paper an
13 accurate representation of the grievance you filed
14 electronically against me with the State Bar of Texas?

15 A I don't know. I cannot authenticate that
16 document. You'd have to ask the State Bar if this is
17 something that's true and correct. It's not my
18 document. I didn't create this.

19 Q Okay. I'd like you to turn to the -- let's
20 see here, to the last page of Exhibit 5, please.

21 A All right.

22 Q Now, on the last page of Exhibit 5, it says,
23 "Attorney-Client Privilege Waiver," correct?

24 A That's what it says.

25 Q All right. And now I'd like you to go back

THOMAS C. RETZLAFF - October 25, 2018

1 one more page.

2 A All right.

3 Q The first word on that page is
4 "Investigation"; is that correct?

5 A That's what it says.

6 Q Now, do you see that where this narrative
7 begins, where it begins with, "Van Dyke is a crazy
8 person"?

9 A Yes.

10 Q Can you read that and tell me if this is the
11 grievance that you sent to the State Bar against me
12 on -- on or around December 20th, 2017?

13 A Again, I can't authenticate this document.

14 Q Do you want to read it to see if you recall
15 saying any of that?

16 A Well, you are a crazy person, so that part is
17 true.

18 MR. VAN DYKE: Objection, nonresponsive.

19 THE WITNESS: Yeah, I'm pretty sure you are a
20 drug addict, so yeah.

21 MR. VAN DYKE: Objection, nonresponsive.

22 THE WITNESS: The mental illness part seems
23 spot on.

24 MR. VAN DYKE: Objection, nonresponsive.

25 THE WITNESS: And you have threatened to

THOMAS C. RETZLAFF - October 25, 2018

1 murder people on the Internet.

2 MR. VAN DYKE: Objection, nonresponsive.

3 THE WITNESS: And you did file a Rule 202
4 lawsuit in Victoria County.

5 MR. VAN DYKE: Objection, nonresponsive.

6 THE WITNESS: And I do think you are a
7 disgrace and embarrassment to the State Bar, so yeah,
8 that does look like something I complained about.

9 Q BY MR. VAN DYKE: Very well. Did you write
10 this yourself or did someone else write it for you?

11 A No, I wrote that.

12 Q Okay. Did you read it completely before
13 electronically signing and filing it?

14 A No, obviously not.

15 Q Okay. I'd like you to look at Exhibit 5a, if
16 you would.

17 A All right.

18 Q Would you agree with me that except for the
19 highlighted portion, that page is an exact copy of the
20 last page of the grievance I showed you in Exhibit 5?

21 A I'm sorry, but I'm in no position to make any
22 kind of agreements with you.

23 Q Okay. Will you read the highlighted portion,
24 please.

25 A I have.

THOMAS C. RETZLAFF - October 25, 2018

1 Q Will you please read it.

2 A I have read it.

3 Q The highlighted portion says, "I hereby swear
4 and affirm that I am the person named in Section II,
5 Question 1 of this form (the Complainant) and that the
6 information provided in this complaint is true and
7 correct to the best of my knowledge."

8 Is that what it says?

9 A That's what it says.

10 Q And in Exhibit 5 did you electronically sign a
11 document with the same language and send it to the
12 State Bar of Texas?

13 A Yes, I did.

14 Q Okay. I'd like you to look at Exhibit 5b,
15 please.

16 A All right.

17 Q I'd like you to look at question 8, the
18 highlighted portion. It says, "Yes. He is a violent
19 person suffering from very profound mental illness that
20 self-medicates with illegal drugs."

21 Did you write that in the grievance you filed
22 against me with the State Bar of Texas?

23 A Yes.

24 Q I'd also like you to read your response to
25 number 9, which says, "He said he was going to murder

THOMAS C. RETZLAFF - October 25, 2018

1 both me and my family, as well as murder anyone else
2 who 'interferes' with his law practice."

3 Did you write this in your grievance against
4 me with the State Bar of Texas?

5 A You mean you didn't say that to me?

6 MR. VAN DYKE: Objection, nonresponsive.

7 THE WITNESS: Yes.

8 Q BY MR. VAN DYKE: This grievance was filed on
9 or around December 20, 2017, correct?

10 A I don't know.

11 Q Now, if you will go back to Exhibit 5a, if you
12 would, please.

13 A Okay.

14 Q Anywhere on that document does it indicate a
15 date that it was electronically signed?

16 A Well, there's a date written on it, but I
17 don't know if that means anything.

18 Q What -- what date is written on it?

19 A It says 12/20/2017.

20 Q Okay. You have previously testified that
21 we've never met in person; is that correct?

22 A Yes, I believe so.

23 Q So I -- so I certainly didn't threaten you in
24 person; is that correct?

25 A Depends on how you define that term, in

THOMAS C. RETZLAFF - October 25, 2018

1 person. I think sending someone directly an e-mail
2 is -- is pretty in person, Jason. It's going to get
3 you in handcuffs.

4 MR. VAN DYKE: Objection -- objection to the
5 nonresponsive parts of the answer.

6 Q BY MR. VAN DYKE: Have we spoken on the
7 telephone before today, Mr. Retzlaff?

8 A No.

9 Q Is this the first time we've in fact spoken
10 face-to-face?

11 A I think so, but I'm not exactly sure.

12 Q Okay.

13 A And the reason why I mention that is, isn't
14 some of your family members either from or lived in
15 Rochester, Minnesota?

16 MR. VAN DYKE: Objection, nonresponsive.

17 Q BY MR. VAN DYKE: Mr. Retzlaff, can you
18 explain on what occasion prior to December 20th, 2017 I
19 threatened to murder you?

20 A On the Internet.

21 Q Okay. Perhaps you could point to what of the
22 Plaintiff's exhibits where I threatened to murder you
23 prior to December 20th of 2017.

24 A Let's see, when you posted a photograph of
25 yourself in a half-assed version of a ghillie suit with

THOMAS C. RETZLAFF - October 25, 2018

1 an automatic weapon saying that if people who mess with
2 your job, that you're gonna show up at their house and
3 kill them or something like that.

4 Q Do you believe that that post was directed
5 specifically to you?

6 A I believe so just because it happened right
7 around the time when you lost your job from Victoria
8 County, and the -- the comments on the -- on the Texas
9 Lawyer magazine.

10 Q Let's talk about those comments, Mr. Retzlaff.
11 Did any of those comments on the Texas Lawyer magazine
12 specifically reference your name?

13 A It specifically referenced that you were going
14 to go after the person who cost you your job, which if
15 you were going to be honest about things, you should
16 really have looked in the mirror in order to discover
17 the person who cost you your job instead of looking at
18 me.

19 MR. VAN DYKE: Objection to the nonresponsive
20 parts of the question.

21 Q BY MR. VAN DYKE: Mr. Retzlaff, on what
22 occasion prior to December 20th, 2017 did I threaten to
23 murder your family?

24 A When you went on your Twitter social media
25 posts. Where you go on social media and you threaten

THOMAS C. RETZLAFF - October 25, 2018

1 people that do things that you don't like. I took that
2 as a -- as a threat to myself because it made me afraid
3 to criticize you or to speak out against you or to --
4 to petition my government to make complaints about you.
5 And so when you go on there and you say that -- that
6 every person who has ever filed a Bar complaint against
7 me I've sued them, I take that as -- as something
8 personal directed to me. And -- and when you go on
9 social media with guns and stuff and, you know, saying
10 you're -- you're gonna go after the person who
11 complains about you, I take that personally.

12 Q Would it be accurate to say that none of these
13 social media posts specifically referenced your name?

14 A I'm sorry, I can't help you with that, Jason.
15 You've dug yourself in this hole. You know, when you
16 go out and broadcast that crap on the Internet, all
17 kinds of people are going to see it and all kinds of
18 people are going to have different feelings about it.
19 Some people get scared about that shit. Some people
20 just blow it off. Some people take it as a personal
21 threat against them.

22 MR. VAN DYKE: Object to the nonresponsive
23 parts of the answer.

24 Q BY MR. VAN DYKE: But based on your testimony,
25 Mr. Retzlaff, would it be fair to say that you believe

THOMAS C. RETZLAFF - October 25, 2018

1 anything threatening or I may or may not have posted on
2 social media you believe is directed towards you?

3 A I don't understand that question.

4 Q Well, you've testified that you can't -- that
5 you looked at this picture, I believe a half-assed
6 ghillie suit was the term you used, and it doesn't
7 mention your name, but you still perceive that as a
8 threat against you. Is that correct?

9 A Yes, because you say that -- I took it to mean
10 that any person who criticizes you in your professional
11 capacity can look forward to having you show up on
12 their doorstep with a gun. Yeah, and that's something
13 that only a crazy motherfucker would do. Yeah, you
14 think this is a joke, funny guy. Does it seem funny
15 now? You're at the wrong end of a \$100 million SLAPP
16 lawsuit.

17 MR. VAN DYKE: Object to the nonresponsive
18 parts.

19 Q BY MR. VAN DYKE: Mr. Retzlaff, have you ever
20 had a Twitter account?

21 A Yeah, I think I might have.

22 Q Have you ever used the Twitter account known
23 as @OneTrueDoxbin?

24 A No.

25 Q Okay. Does -- as seen from the Bar's exhibits

THOMAS C. RETZLAFF - October 25, 2018

1 that that's the only threat contained in any of the
2 exhibits today, the threat references anyone's family.
3 So would it be accurate to say that you and
4 OneTrueDoxbin are not one and the same person?

5 A So that makes it okay for you to post that
6 kind of crap on social media against opposing
7 litigants?

8 MR. VAN DYKE: Objection, nonresponsive.

9 Q BY MR. VAN DYKE: Mr. Retzlaff, would it be
10 accurate to say that you and OneTrueDoxbin are not the
11 same person?

12 A Correct.

13 Q Have you ever used a Twitter account known as
14 Dividedly? I'm going to spell that, D-i-v-i-d-e-d-l-y,
15 underscore. Have you ever used that Twitter account?

16 A No. That's the one where you've made the post
17 about you wanted to lynch niggers.

18 MR. VAN DYKE: Objection, nonresponsive.

19 THE WITNESS: And you posted a noose, I think.

20 MR. VAN DYKE: Objection, nonresponsive.

21 THE WITNESS: What, are you going to tell me
22 you didn't?

23 MR. VAN DYKE: Objection, nonresponsive.

24 Q BY MR. VAN DYKE: Mr. Retzlaff, would you
25 please turn to Exhibit 5c.

THOMAS C. RETZLAFF - October 25, 2018

1 A All right. I think I found it.

2 Q Okay. The highlighted portion begins with the
3 word "Earlier." So just so we're on the correct
4 document; is that correct?

5 A No, that's not what it says on 5 Charlie.

6 Q What does the highlighted portion begin with,
7 sir?

8 A This stuff there. That's what I see under 5c.

9 Q No, sir. That was 5 bravo. I'm asking you
10 about 5 Charlie. Can you --

11 A Oh, okay. All right. Go ahead. Yeah, just
12 the way these tabs are stuck in there, it's got me --
13 all right. Go ahead. What's your question?

14 Q It says here that you found out that I got a
15 job as an assistant district attorney in Victoria
16 County; is that accurate?

17 A Yes.

18 Q Where did you learn that information?

19 A I can't say that.

20 Q Why not?

21 A Because there is a discovery stay in the
22 federal lawsuit, and I can't answer that question.

23 Q You understand that we're not here in the
24 federal lawsuit today. This is a Bar disciplinary
25 proceeding?

THOMAS C. RETZLAFF - October 25, 2018

1 A Not my problem. The federal judge is very
2 specific. And in fact, I remember you crying like a
3 bitch this morning about wanting to get a discovery
4 conference call with the judge. How did that work out
5 for you, Van Dyke?

6 MR. VAN DYKE: Objection, non --

7 THE WITNESS: Well, you -- you tried to call
8 up the federal judge to ask him to give you a ruling on
9 this thing. What happened when you called him?

10 MR. VAN DYKE: Objection, nonresponsive.

11 THE WITNESS: Yeah, yeah, because this is
12 pretty fucking funny, right? Ha-ha. Giggle there, fat
13 boy. You're the one who said this morning you were
14 calling up the federal judge to get an opinion on
15 whether or not we can talk about these things because
16 of the court-ordered stay, the discovery stay. All
17 right? You're fishing for stuff that you know you are
18 not allowed to get. And what happened when you called
19 the federal court this morning to ask? What did they
20 tell you?

21 Q BY MR. VAN DYKE: Are you done?

22 A I'm waiting for your response.

23 MR. VAN DYKE: Object to the nonresponsive
24 parts of Mr. Retzlaff's answer.

25 THE WITNESS: Well, I'm not going to violate a

THOMAS C. RETZLAFF - October 25, 2018

1 federal court order.

2 Q BY MR. VAN DYKE: How about you answer the
3 question, and then you can file a motion for sanctions
4 against me for violating the federal court's order?
5 How about that, Mr. Retzlaff?

6 A Except I would be the one violating the court
7 order, so no, I can't help you with that.

8 Q I will agree to your motion for sanctions.

9 A It doesn't matter, okay? It doesn't matter
10 what you want to agree or disagree to. Okay? The
11 federal judge was very clear in black and white, and
12 the statute is very clear in black and white. You
13 don't get to do discovery.

14 Q Are you refusing to answer my question about
15 where you learned the information that you referenced
16 in your grievance?

17 A Yes. And also, it's not relevant. It doesn't
18 matter where I heard it from.

19 Q It says in this grievance you contacted Steve
20 Tyler. When did you contact him?

21 A I don't recall exactly. I've had many, many
22 communications with Steve. I don't recall.

23 Q How do you know Mr. Tyler?

24 A He was in the Army -- knock it off.

25 He was in Germany about the same time I was.

THOMAS C. RETZLAFF - October 25, 2018

1 He's a district attorney who is in the county next to
2 the one I live at in San Antonio. He is a public
3 figure, someone you read about in the newspaper a lot.

4 Q Okay. Now, it says here in Exhibit 5c you
5 know him because you live in San Antonio. But you
6 don't actually live in San Antonio anymore, do you?

7 A I can't answer that question either. I'm
8 sorry, that -- I'm not going to give ammunition for a
9 stalker who wants to try to murder me and tell him
10 where all the different places are that I live or don't
11 live or where my family has property at. That's not
12 going to happen.

13 Q Mr. Retzlaff, I'm not asking for a
14 specific address.

15 A Sure you are. Listen, you're the one -- on
16 May 22nd, you are the one who told Jeffrey Dorrell I
17 know where Mr. Retzlaff is physically located at. I'm
18 gonna come to Arizona and beat him to death, and then
19 you sent some nonsense to the post office trying to get
20 them to give up where my home address is claiming that
21 you needed the information so you could serve me with
22 the federal lawsuit, except the federal lawsuit had
23 been removed from state court, and there wasn't any
24 need for you to do that.

25 So no, any kind of information about my

THOMAS C. RETZLAFF - October 25, 2018

1 personal life I'm not gonna give it to you. Violent
2 Nazi motherfuckers who send death threats forfeit their
3 right by wrongdoing to get my personal information or
4 personal information about my family.

5 Q Is that your legal opinion?

6 A That's my personal opinion. I'll tell you
7 what Jeff Dorrell had to say, but don't worry about it.

8 Q Would you agree with me that San Antonio is
9 not located in Victoria County? Can we at least agree
10 on that?

11 A Yes.

12 Q Okay. Would it be accurate to say that
13 Victoria County is an approximately two-hour drive from
14 San Antonio?

15 A No.

16 Q Do you know how long of a drive it is?

17 A Oh, I get there much quicker than that.

18 Q How long does it take you to get there,
19 Mr. Retzlaff?

20 A It depends upon from where I am traveling
21 from, but it depends. Anyways, what difference does it
22 make?

23 Q Well, you don't really know Mr. Tyler
24 personally, do you?

25 A I can't answer that question. That's -- you

THOMAS C. RETZLAFF - October 25, 2018

1 know, you are going into matters that -- that the
2 federal court has put on hold.

3 Q Well, Mr. Retzlaff, you said that you know
4 Mr. Tyler in your complaint against me. I'm just
5 trying to inquire as to whether what you said in your
6 complaint is true or not. So is that true or not true?
7 Do you know Mr. Tyler personally?

8 A Well, that's two different questions, because
9 the complaint doesn't say that. The State Bar
10 complaint doesn't say that.

11 Q Okay. So you said, "So I contacted Steve
12 Tyler, the District Attorney (who I know because I live
13 in San Antonio)."

14 A Right.

15 Q And said, "Do not hire this dude - he is a
16 fucking lunatic."

17 A And -- and -- and I stand by that answer. It
18 says what it says.

19 Q So would you also stand by when you said
20 that -- when you state in your grievance that you told
21 him that I was a drug addict?

22 A That's not what I said.

23 Q Okay. So you didn't tell him I was a drug
24 addict?

25 A That's not what it says. That's not what the

THOMAS C. RETZLAFF - October 25, 2018

1 document says. The document says something completely
2 different than what you are claiming it says.

3 Q So aside from "Do not hire this dude - he is a
4 fucking lunatic," what did you say to Mr. Tyler?

5 A I don't recall exactly.

6 Q What do you recall?

7 A I don't know. Be specific. There's lots of
8 things I recall, lots of things I don't recall. I
9 don't know what I don't know.

10 Q What do you recall telling to Mr. Tyler about
11 me?

12 A That you're an idiot and that he shouldn't
13 hire you, and that it would be a mistake. I can't
14 recall exactly what it is. And we're going into things
15 that -- that you filed this lawsuit over, and I -- I
16 can't answer anything more on that.

17 Q Well, I've already got a subpoena issued to
18 Mr. Tyler through the panel. Is he going to tell the
19 panel something different from what you've testified
20 here today to?

21 A You are asking me to read another -- is he
22 going to say that he -- he thinks that you're a
23 qualified individual to -- to work in the DA's office?
24 I think he's going to say, no, Jason Van Dyke is a
25 fucking lunatic, and it was a terrible mistake for me

THOMAS C. RETZLAFF - October 25, 2018

1 to hire him, is what I imagine Steve will say. And I
2 think Steve will say that I -- I should have done my
3 due diligence, but I didn't, and I made a mistake, and
4 Van Dyke has a profound mental illness. I think
5 Mr. Tyler will probably say that as well, and that
6 he -- ruse the day that he ever heard of Jason Van Dyke
7 who saw a job posting on the TDCAA Web site and thought
8 it would be a good idea for a violent, racist, Nazi
9 motherfucker to be an assistant district attorney. You
10 were an idiot to apply for that job, Van Dyke. You
11 were a complete idiot, and you got no one to blame but
12 yourself.

13 Q Are you done?

14 A You don't like it, tough. You move on with
15 your life.

16 Q Mr. Retzlaff, I see you are a person that
17 likes to take screenshots of various posts that I've
18 made on the Internet. Are you aware of a single
19 screenshot of even a single instance where I've used an
20 illegal drug?

21 A The Internet is a very big place. I -- I
22 don't know what -- I don't know.

23 Q So as you sit here today, you have no evidence
24 that I have ever used any illegal drugs?

25 A Oh, I -- I'm convinced that you do.

THOMAS C. RETZLAFF - October 25, 2018

1 Q That's your opinion. You don't have any
2 evidence?

3 A That's my opinion based on years of experience
4 knowing people with substance abuse problems and
5 knowing people with mental illnesses, and you clearly
6 have a screw loose, dude, seriously. Who thought it
7 would be a good idea to -- to stage a burglary of their
8 own car and try to get your roommate to go along with
9 your story? But you guys didn't get your story
10 together correctly, and you get involved in insurance
11 fraud. That's really smart, dude. That's really --
12 you just pissed away any type of career you ever hoped
13 to have.

14 MR. VAN DYKE: Object to the nonresponsive
15 parts of the answer.

16 Q BY MR. VAN DYKE: So in question 8 you stated
17 that I self-medicated with illegal drugs. You had no
18 idea, did you? That was just your opinion?

19 A I don't see where it says that. Oh, number 8,
20 we've got to go back. Let's see.

21 Q Yeah, Exhibit 5b. So when you said that I
22 self-medicate with illegal drugs, you didn't know that,
23 but you just came up with that yourself?

24 A I base that upon my observations of you and
25 how you conduct yourself. Normal people don't act the

THOMAS C. RETZLAFF - October 25, 2018

1 way that you do on social media. Only people that are
2 crazy people that have mental illness and a substance
3 abuse do that kind of crap, you know. Nobody goes on
4 Twitter that -- that uses their official law firm
5 account with their picture as a lawyer calling out
6 people niggers and faggots, and I'm going to lynch you,
7 and I'm going to skin you alive. Normal people don't
8 do that; crazy people do.

9 Q Okay. Go ahead and turn to 5d, if you would.

10 A All right.

11 Q Now, would it be accurate to say, "Van Dyke
12 has since been posting online that he is going to
13 murder me because I am the one who cost him his job
14 with Victoria County. He further threatens to murder
15 my family, and many others"?

16 So I ask you again, as of the date that this
17 grievance was filed, when did I threaten to murder you?

18 A When you posted pictures of yourself on --
19 with guns on the Internet saying that if somebody
20 messes with your job, that you're going to show up at
21 their house in the middle of the night and kill them.

22 Q And when did I threaten to murder your family?

23 A You know, when I see those kind of posts that
24 are regarding the situation that I'm involved in, you
25 don't have to mention my name specifically in order for

THOMAS C. RETZLAFF - October 25, 2018

1 that to concern me. You know, when you say that I'm
2 gonna go after the person who cost me my job. You said
3 something about -- you were quoted by The Victoria
4 Advocate newspaper as somebody who ran their mouth, I
5 think that you're going to go looking for them, and
6 then you're the guy who posts pictures of yourself with
7 guns saying that, anybody messes with my job, I'm going
8 to go kill them.

9 And -- and when you say the shit that you did
10 to Ken White and to Aster, you know, that you're going
11 to go to Omaha and go to his house, and, oh, look,
12 here's a map. It's only two hours to get to Omaha or
13 some shit, you know, when you post stuff like that,
14 I -- I take that personally that you're going to harm
15 me and my family. That makes me concerned. You know,
16 I've got a right to have the -- I've got a right to
17 have the kinds of feelings that I have, and that's just
18 how I felt.

19 Q Let's talk about those feelings, Mr. Retzlaff.
20 Would it be accurate to say that anytime I post
21 something on the Internet or social media, you take it
22 as a threat?

23 A No.

24 Q Would it be accurate to say that anytime I
25 post a picture of myself that has a firearm on social

THOMAS C. RETZLAFF - October 25, 2018

1 media, you take that as a threat?

2 A Just a firearm with no words?

3 Q Any firearm.

4 A With no words?

5 Q Yeah, with no words.

6 A Well, you're asking me a hypothetical
7 question. I -- I'm not sure I could really
8 answer -- in fact, yeah, I probably would take that as
9 a threat. Because people that have mental illness
10 shouldn't be around firearms. You know, there is some
11 people that just shouldn't -- shouldn't have guns, and
12 you are one of them. You are one of them. So, you
13 know, when you post pictures of yourself with guns, you
14 know, it's going to get a lot of people concerned.

15 Q Okay. 5 echo, please.

16 A All right.

17 Q Do you have that in front of you,
18 Mr. Retzlaff?

19 A Yeah.

20 Q Were you in court when my Rule 202 petition
21 was denied?

22 A No, I was not.

23 Q So you really have -- you have no clue what
24 happened in court that day, do you?

25 A That's not true.

THOMAS C. RETZLAFF - October 25, 2018

1 Q It says, "When the judge ruling against Van
2 Dyke poured him out of court for being an idiot for
3 filing such a thing to begin with," you don't know what
4 was said by that judge in court that day, did you?

5 A Do I have personal knowledge of what the judge
6 said in that court?

7 Q Yes. Do you have personal knowledge of what
8 the judge said in that court?

9 A No.

10 Q All right. Thank you.

11 A I did read his ruling, though, and I heard
12 about what happened.

13 Q Okay. Fair enough. 5 foxtrot, please.

14 A All right.

15 Q Mr. Retzlaff, would you read the portion of
16 Exhibit 5 foxtrot that is highlighted in green.

17 A Okay.

18 Q Will you read it aloud, please.

19 A "Unfortunately for Van Dyke, he has come up
20 against a person who simply cannot be intimidated."

21 Q Thank you.

22 A man who simply cannot be intimidated, would
23 it be fair to say that that's a phrase you use rather
24 often, Mr. Retzlaff?

25 A No.

THOMAS C. RETZLAFF - October 25, 2018

1 Q Okay. How often would you say you use it?

2 A I don't know. I don't keep track.

3 Q Okay. And is this a phrase when you do use
4 it, you typically use in reference to yourself as a
5 person who can't be intimidated?

6 A I cannot say. I don't think that this is a
7 phrase that I use very often.

8 Q Okay.

9 A I've seen it used before lots of times, but as
10 for me using it, I don't know. I think it's just
11 something I saw on the Internet that looked cool and
12 maybe I just started copying it or something. I don't
13 know. I can't recall.

14 Q Okay. Why don't you turn to Exhibit No. 6,
15 Mr. Retzlaff.

16 A All right.

17 Q And go past the first page -- the first page
18 that says "Received" on the top --

19 A All right.

20 Q -- scroll down -- actually, turn to the first
21 page where question number 8 has some highlighted
22 portions. Can you see that?

23 A Well, I see question number 8, but it's not
24 highlighted.

25 Q No, the answer, Mr. Retzlaff.

THOMAS C. RETZLAFF - October 25, 2018

1 A Oh, you are talking about a different number
2 8. I was looking at number 8 under Section II where it
3 asks me if I'm a judge.

4 Q No, sir. I'm asking for Exhibit 6, and that's
5 a -- that's another grievance you filed against me and
6 question number 8.

7 A I see. Yes, I see that.

8 Q Now, it says -- I want to specifically
9 reference in your -- first of all, is this -- are these
10 questions, your responses, in a more recent grievance
11 you filed against me with the State Bar?

12 A Yeah, I think so.

13 Q Okay. You mentioned suicidal ideation. Where
14 did you get this idea?

15 A I think it was something you posted on -- on
16 your Facebook or something. Maybe it was Instagram. I
17 can't recall.

18 Q Really? And you didn't forward this to
19 Ms. Brady?

20 A I don't know. I forwarded a bunch of stuff to
21 her. I can't recall everything I sent her.

22 Q Okay.

23 A Well, yeah, the kind of person who is willing
24 to commit homicide certainly wouldn't -- I wouldn't put
25 it past him to commit suicide at the same time, you

THOMAS C. RETZLAFF - October 25, 2018

1 know. And when you say that the State Bar can have my
2 motherfucking bar card, that seems to be a sign of
3 decompensation and that you are in a downward spiral of
4 depression. And when people are depressed, they are
5 suicidal, which is another reason why you shouldn't
6 have guns.

7 MR. VAN DYKE: Okay. Object to the
8 nonresponsive parts of Mr. Retzlaff's --

9 THE WITNESS: You know --

10 MR. VAN DYKE: -- statements --

11 THE WITNESS: -- a lot of crazy stalkers
12 commit homicide and then they do suicide afterwards,
13 you know, these spree killers.

14 Q BY MR. VAN DYKE: I'm going to skip over
15 Exhibit No. 7. And Mr. Retzlaff, how many grievances
16 have you filed against me this year?

17 A I don't know.

18 Q There's so many you can't keep an accurate
19 count?

20 A No. It's just I don't keep an accurate count.

21 Q Okay. You've got two that are pending before
22 The Board of Disciplinary Appeals right now, don't you?

23 A I don't know. I know that you keep doing
24 stupid shit. I keep filing grievances on it.

25 Q Okay. How long do you intend to continue

THOMAS C. RETZLAFF - October 25, 2018

1 filing grievances against me, Mr. Retzlaff?

2 A As long as you keep doing stupid shit.
3 Violating Bar rules or ethical rules or getting
4 arrested for crimes, there's going to be grievances
5 filed against you.

6 Q Okay.

7 A Any -- any -- anytime I -- I perceive that
8 you're violating a State Bar rule or acting
9 unethically, you know, I'm gonna be there.

10 Q Okay. Mr. Retzlaff, are you familiar with the
11 charges that are at issue in this case?

12 A Why don't you refresh my memory. Read off the
13 petition.

14 Q The threats that -- the threats that Ms. Brady
15 says that I made against you, are you familiar with
16 those?

17 A Well, why don't you read the -- the petition
18 to me so I can have a clear recollection of what you're
19 talking about.

20 Q That's -- that's okay, Mr. Retzlaff.

21 A Why not? I'm not going to be able to answer
22 your question if you don't.

23 Q I'd rather you look at Exhibit 8, please.

24 A Ah.

25 Q Do you recognize Exhibit 8?

THOMAS C. RETZLAFF - October 25, 2018

1 A This looks like another State Bar complaint.

2 Q Not Exhibit 7, Mr. Retzlaff. We are skipping
3 over Exhibit 7. We are using Exhibit 8. Do you
4 recognize Exhibit 8?

5 A It's a piece of paper with words on it.

6 Q What does the piece of paper with words on it
7 appear to be?

8 A It appears to be a letter, but I can't
9 authenticate this because it's not my letter.

10 Q To whom does the letter appear to be
11 addressed?

12 A It has my name on it.

13 Q Is the P.O. box address correct?

14 A Yes, it is.

15 Q And the zip code and the city and state as
16 well, I presume?

17 A Yep.

18 Q Do you recall ever receiving this letter?

19 A I don't know. I get a lot of letters in the
20 mail.

21 Q You have no recollection of ever receiving
22 this letter from The Board of Disciplinary Appeals?

23 A Just a second. Let me read it over. Yeah,
24 okay, what about it?

25 Q About what date did you receive this letter?

THOMAS C. RETZLAFF - October 25, 2018

1 A I don't know.

2 Q Did you give this letter to anybody?

3 A Oh, yeah. Shit, I shared it with everybody.

4 Q Who all did you share this letter with?

5 A Oh, Jesus, 20, 30 people at least. I'm not
6 sure. News media. I gave one to Ken White. I gave
7 him a copy, I remember that. A lot of people. A lot
8 of people got this letter.

9 Q Isn't it true you published it to a Web site?

10 A I'm sorry, I can't help you with that.

11 Q I'm just asking you if it's true or not. Did
12 you post it to a Web site or not?

13 A And again, I'm sorry, I can't help you with
14 that question. We're stepping into areas where the
15 federal court said we can't talk about.

16 MR. VAN DYKE: That's -- objection,
17 nonresponsive.

18 Q BY MR. VAN DYKE: You are not going to tell me
19 whether you published this on a Web site?

20 A You know, I think I might have put it on
21 Facebook, but I'm not sure.

22 Q Oh, so you have a Facebook account?

23 A No, I didn't say that. I said I think it
24 might have gone on Facebook, but I'm not sure.

25 Q Do you have a Facebook account?

THOMAS C. RETZLAFF - October 25, 2018

1 A I think it might have been on the -- the
2 Popehat blog. But, you know, we're getting into areas
3 that -- that -- that are involving the federal lawsuit.
4 One of the things you said in the federal lawsuit, you
5 accused me of -- of running some kind of blog or
6 something like that, and I'm not going to answer any
7 questions about that.

8 Q Let's -- let's get -- make it clear. Do you
9 operate a blog commonly known as BV Files?

10 A And again, I'm not gonna answer that question.
11 We have a federal court order that stays discovery on
12 these matters. In addition, you and other people have
13 accused me of crimes with regards to that blog, so I'm
14 not going to answer that question.

15 Q What is the legal basis for your refusal to
16 answer other than the federal court's order?

17 A I find your -- your question to be harassing
18 and in violation of my Fifth Amendment rights. You --
19 you want to sit here and -- and make claims that I've
20 done these criminal things with regards to blogging, so
21 any kind of question about blogging I'm not going to
22 talk about.

23 Q Go to -- why don't you go then to Exhibit 9.

24 A All right.

25 Q Do you know what this is?

THOMAS C. RETZLAFF - October 25, 2018

1 A No, I do not. I didn't make this, so...

2 Q Have you ever seen it before?

3 A No, I have not.

4 Q What does it appear to be to you?

5 A A piece of paper with words on it and some
6 pictures. I can't authenticate this document, so I
7 can't --

8 Q I'm not asking you to authenticate it.

9 A Sure you are.

10 Q I'm asking you if you know what this is a
11 representation of?

12 A No, I don't.

13 Q All right. Well --

14 A I didn't make this, so I don't know. It's
15 your exhibit. You'd have to talk to the person who
16 made it to...

17 Q Okay. Well, does it start off talking about
18 James McGibney?

19 A It starts off by having a date on the top
20 and --

21 Q Okay. I'd like you to scroll about a third of
22 the way down the page. Does this -- does the first
23 page of this document appear to discuss James McGibney?

24 A I'm going to say that the document says what
25 it says.

THOMAS C. RETZLAFF - October 25, 2018

1 Q Okay.

2 A And it does --

3 Q Why don't you go to the third page of the
4 document.

5 A And it does reference the name McGibney.

6 Q Okay. Turn to the third page of the document,
7 please.

8 A All right.

9 Q Now, we've mentioned Mr. Klein before. Does
10 the third page of this document appear to show a
11 picture of Philip Klein?

12 A I don't know. I see a picture on there, but I
13 can't authenticate that.

14 Q Do you know who is in that picture?

15 A No, I don't.

16 Q Okay.

17 A I didn't -- I can't authenticate that
18 document.

19 Q All right. Why don't you go to page 6,
20 Mr. Retzlaff.

21 A I don't know, what page are we on? Okay.

22 Q We are on 3.

23 A All right. All right.

24 Q Go to page 6.

25 A All right.

THOMAS C. RETZLAFF - October 25, 2018

1 Q Would it be accurate to say that this page
2 references John Morgan?

3 A I don't -- I don't think so.

4 Q What's at the top of the page 6 that you are
5 looking at, Mr. Retzlaff?

6 A You know, I am sorry. I'm gonna have to shut
7 you down here. I'm really starting to feel harassed by
8 these questions about John Morgan and -- and about
9 Philip Klein. I'm being harassed by that. I'm not
10 going to answer any more questions about those guys.

11 Q What about you? How about you go to page 7.

12 A Sorry, again, I'm -- I'm -- when it comes to
13 this blog, I'm not answering any questions about it for
14 the reasons I've already stated.

15 Q You're on page 7?

16 A Say again.

17 Q So that's not a picture of you on page 7 in
18 the Court of Appeals for the Second District of Texas?
19 Is that you?

20 A Oh. Yes, that's a photograph of me.

21 Q Okay. And then on page 9, do you know who
22 those -- those people who are photographed at the top
23 of page 9, do you know who they are?

24 A Again, I -- I can't help you with that.
25 You're starting to harass me with these questions.

THOMAS C. RETZLAFF - October 25, 2018

1 This is completely irrelevant stuff, and it's
2 harassing, you know, and -- and we're talking about
3 stuff that the federal judge has ordered stayed. And,
4 you know, you're the one who -- you and McGibney and
5 Klein and Morgan have accused me of various crimes
6 involving this blog, and I'm not going to answer any
7 questions on that, you know, for, you know, Fifth
8 Amendment reasons, and as well as it's harassing and
9 annoying.

10 Q All right. What about page number 10?

11 A It doesn't matter what page you go to, the
12 response is the same.

13 Q Oh, I don't want to hear your response,
14 Mr. Retzlaff.

15 A I've already given my response, and now I'm
16 starting to feel harassed.

17 Q So you are not gonna answer any questions
18 about this exhibit; is that correct?

19 A Correct. Anything to do with blogs I'm not
20 going to answer any questions to for the reasons I've
21 already stated.

22 Q And that -- and is the legal basis for your
23 objection your Fifth Amendment privilege against
24 self-incrimination?

25 A I'm sorry, dude, I've got nothing more for

THOMAS C. RETZLAFF - October 25, 2018

1 you. You're trying to violate a federal court order
2 that says we can't talk about these things, and -- and
3 that's all it is. And, you know, your question's
4 harassing. And your -- and it also delves into Fifth
5 Amendment stuff, too. So, you know, you're the one
6 who --

7 Q But --

8 A You're the one -- listen, dude. You're the
9 one who accused me of committing a crime with this
10 blog. So when it comes to stuff like that, I'm not
11 answering any questions.

12 Q All right. Well, fine. Why don't you go to
13 Exhibit 10, then.

14 A We're gonna have to hurry up here because I'm
15 going to have to go here in a little bit.

16 Q Well, you've been subpoenaed to be here today,
17 Mr. Retzlaff.

18 A It doesn't matter.

19 Q Let's look at what's been marked as Exhibit
20 10.

21 A Yeah, what about it?

22 Q Well, you state in that e-mail that you
23 accessed State Bar records.

24 A I don't say that this is an e-mail. I don't
25 know what this is.

THOMAS C. RETZLAFF - October 25, 2018

1 Q Do you recognize Exhibit 10, Mr. Retzlaff?

2 A I'm sorry, I can't authenticate this document.

3 Q Do you remember -- I'd like you to read
4 Exhibit 10 and let me know if that's an e-mail that you
5 sent to Dr. Ryan Daniel.

6 A I don't recall.

7 Q Okay. Fair enough.

8 Mr. Retzlaff, do you know who Dean Anderson
9 is?

10 A That question has already been asked and
11 answered, and I can't help you with that.

12 Q Do you have any kind of personal relationship
13 with Dean Anderson?

14 A I'm not gonna answer that question. I am
15 objecting on attorney work product privilege. If
16 myself and Mr. Dorrell were able to figure out who this
17 guy is, I'm not gonna share that with you, but you have
18 accused me of being Dean Anderson, and you have accused
19 me of committing crimes as Dean Anderson, so I'm also
20 going to have to take a Fifth Amendment on that. In
21 addition, we've got the federal discovery stay, you
22 know. This is a part of your lawsuit, and the judge
23 said you can't ask questions about this stuff, so I'm
24 not gonna answer it.

25 Q Go to Exhibit 11, Mr. Retzlaff. Do you see

THOMAS C. RETZLAFF - October 25, 2018

1 Exhibit 11?

2 A No, I'm goofed up now. I don't know which is
3 10 or which is 11.

4 Q Well, Exhibit 10 was the e-mail to Ryan
5 Daniel. Exhibit 11 is an e-mail that appears to be
6 sent by you to Kristin Brady on Thursday, March 29th,
7 2018.

8 A Okay. I -- I don't know.

9 Q Well, you're not talking about Anderson. It
10 says -- does it not say at the top, "I have no idea why
11 Van Dyke is e-mailing this Dean Andersen guy. I don't
12 know Anderson"? And at the highlighted portion at the
13 bottom, it says, "Anderson's e-mail is
14 dean714@yandex.com. I suspect he lives in Europe, but
15 I am not certain."

16 A So what's your question?

17 Q Did you send this e-mail?

18 A I don't recall.

19 Q Okay. It says -- it says in this e-mail that
20 you suspect Dean Anderson lives in Europe. Do you
21 suspect Dean Anderson lives in Europe?

22 A I'm not going to answer that question for the
23 reasons I've already stated.

24 Q All right. Well, let's --

25 A And I find your questioning to be very

THOMAS C. RETZLAFF - October 25, 2018

1 harassing.

2 Q Okay. Let's look at Exhibit 12, Mr. Retzlaff.
3 Let's go to the next exhibit there.

4 A Yeah, again, I don't -- I don't know. What is
5 it?

6 Q Well, this appears to be an e-mail string
7 between you and Ms. Brady about these threatening
8 e-mails that are the subject of this proceeding being
9 forwarded to you by Mr. Anderson. Do you recall this
10 string of e-mails?

11 A No, I don't. It looks like this is from six,
12 seven months ago. I don't remember.

13 Q Okay. But you remember the e-mails that
14 Ms. Brady referenced -- you remember sending these
15 e-mails to Ms. Brady, do you not?

16 A I remember the exhibits she sent me. I don't
17 remember this e-mail here, that -- your exhibit.

18 Q Okay. Let's talk about some of those
19 exhibits, Mr. Retzlaff.

20 I'd like the court reporter to please hand
21 Mr. Retzlaff Petitioner's Exhibit No. 4.

22 A She can't. Her hands are busy. You're
23 talking about Exhibit 4 that Kristin showed me earlier?

24 Q That's correct, Mr. Retzlaff.

25 A All right. Yeah, I got that.

THOMAS C. RETZLAFF - October 25, 2018

1 Q You got that?

2 A Just a second. All right. Yeah, what about
3 it?

4 Q Well, here's what I'm confused about. What
5 date does it say on this e-mail that it was sent to
6 you?

7 A It says March 28th at 4:20 in the morning, it
8 looks like.

9 Q Okay. And what about on the top -- and what
10 about the top of the e-mail from Dean to
11 retzlauff@texas.net; what's the date there?

12 A March 27th at 7:09 p.m.

13 Q So is it your testimony that Mr. Anderson sent
14 you -- forwarded you this e-mail before I sent it?

15 A I didn't give that kind of testimony at all.

16 Q Well, it would appear that the e-mail that
17 says, "You better have your will made out Thomas, I'm
18 coming for YOU," you've just said it was sent on
19 March 28th, 2018 at 4:20, correct?

20 A That's the date stamp on it, yes.

21 Q But when Mr. Anderson forwarded it to you, the
22 date stamped is Tuesday, March 27th, 2018 at 7:09 p.m.
23 How can that be, Mr. Retzlauff?

24 A Geez, I don't know, you fucking dumb-ass.
25 There is such a thing as time zones. And so when

THOMAS C. RETZLAFF - October 25, 2018

1 somebody sends you an e-mail in a different time zone,
2 it's going to show the time zone where you received it
3 at and the time zone they send it at. So maybe you
4 have zero concept of -- of the globe and the
5 circumference of the earth and all that good shit.

6 Q All right, Mr. Retzlaff. Do you know what the
7 time difference between Europe and the United States
8 is?

9 A About seven hours depending. I don't know.

10 Q About seven hours into the future, right?

11 A I don't know. I guess it depends upon where
12 you're at on -- on the planet, and Europe has two,
13 three different time zones, and it depends upon if it's
14 summertime or winter's daylight time -- or standard
15 time.

16 Q All right, Mr. Retzlaff. Well --

17 A And some -- and some countries in Europe
18 don't --

19 Q Arizona's --

20 A -- do the time change.

21 Q -- on Pacific Time, correct?

22 A I don't know. Listen, I'm not going to get
23 into debates with you about what the time zone is, you
24 know, in Germany or Ukraine or in London, England. I
25 don't know. Okay? It says what it says, you know. So

THOMAS C. RETZLAFF - October 25, 2018

1 whatever. You want to think there's some kind of
2 mystery about it, but, you know, it's called we live in
3 a globe, and people live in different time zones, so
4 whatever.

5 Q All right.

6 A I don't know what time zone this was sent
7 from. You know, and also, e-mails don't travel with
8 the speed of light. Sometimes somebody will send you
9 an e-mail and it will be, you know, 10, 15 minutes
10 before you get it. Sometimes it shows up a day or two
11 later. You know, that's the mystery of the Internet.

12 Q All right. So --

13 A So I don't know.

14 Q Okay.

15 A But it's not going to get you out of the jam,
16 because you're the one who sent these e-mails, and when
17 it's your turn to be questioned, what are you going to
18 say, dude?

19 Q I just find it curious, Mr. Retzlaff, how
20 these e-mails were forwarded to you before they were --
21 before they were sent to Mr. Anderson. I'd like you to
22 try to explain that.

23 A I -- I don't agree with your premise.

24 Q Isn't it true that you fabricated -- that you
25 fabricated this forwarded Dean Anderson e-mail? Isn't

THOMAS C. RETZLAFF - October 25, 2018

1 that true?

2 A No, this is the -- the e-mail that you sent,
3 and it got forwarded to me.

4 Q You didn't fabricate the date stamp on it?

5 A No. Oops, what happened?

6 Q All right. Something happened with --

7 A Yeah, something happened with the picture.

8 (A discussion was held off the record.)

9 Q BY MR. VAN DYKE: Isn't it true, Mr. Retzlaff,
10 that you had an in-depth e-mail communication with
11 Ms. Brady about how this Mr. Anderson, whoever he is,
12 was going to get these e-mails to her?

13 A I don't know. I've had many --

14 Q I'm going to show you now --

15 A I've had --

16 Q -- if you look at Exhibit No. 13. You
17 don't --

18 A Listen, I've had --

19 Q (Inaudible) --

20 A I've had --

21 Q -- communications at all between you and
22 Ms. Brady?

23 A I've had many communications with her. I
24 don't -- I don't recall them all offhand.

25 Q All right. Well, are you on Exhibit 13,

THOMAS C. RETZLAFF - October 25, 2018

1 Mr. Retzlaff?

2 A Yes, I'm looking at it.

3 Q Okay. What I'm wondering -- what I'm
4 wondering about this one, Mr. Retzlaff, is about
5 three-quarters of the way down, highlighted, you write,
6 "I suspect that Russian IP addresses are blocked by
7 your IT Depart on account of risk of hacking."

8 Is that what it says?

9 A It does say that, yes.

10 Q How would you know if Mr. Anderson was using a
11 Russian IP address?

12 A The e-mail provider is a well-known company
13 called Yandex, which is -- they're the European version
14 of Google. It's a Russian company. Everybody knows
15 that. It's a huge company.

16 Q Okay.

17 A It's as big as Google or Yahoo.

18 Q All right.

19 A It's not a mystery about that. It's called
20 being informed.

21 Q Mr. Retzlaff, today is not the first time
22 someone has accused you of being one and the same
23 person as Dean Anderson, is it?

24 A Oh, I've had people make all kinds of wild
25 accusations against me that worked out to their

THOMAS C. RETZLAFF - October 25, 2018

1 detriment.

2 Q And, in fact, isn't it true that your -- that
3 your daughter stated that you and Dean Anderson are one
4 and the same person?

5 A No, she never said that.

6 Q I'd like you to turn to Exhibit 14,
7 Mr. Retzlaff.

8 A Ah, this is your famous exhibit that you filed
9 in the SLAPP case that's a forged document. Yeah, I
10 can't help you with that.

11 Q Do you want to read what number 18 says?

12 A No.

13 Q Line 18 of that affidavit?

14 A No, I -- this isn't an affidavit, dude. Okay?
15 It's a forged document with a fake signature. All
16 right? It's totally fake, dude.

17 Q It's your testimony that your daughter never
18 wrote this document?

19 A No, she never did. It's fake, dummy.

20 Q What about Exhibit 15, Mr. Retzlaff? Did your
21 son write that document?

22 A I don't know. I've never -- I can't help you
23 with that. This is some authenticated nonsense that
24 came from Jay Leiderman. I -- I have no idea if this
25 document is an accurate document or not.

THOMAS C. RETZLAFF - October 25, 2018

1 Q Really?

2 A I'm not going to let you sit here and harass
3 me by -- by showing me bullshit that you found off the
4 Internet and you're trying to present it as evidence of
5 something. I'm not going to waste my time with this,
6 okay. Your -- the clock is running out, dude,
7 and -- and I'm finding this to be overly burdensome and
8 harassing. All right? What does that have to do with
9 you being a Nazi?

10 MR. VAN DYKE: Object to the nonresponsive
11 part of the answer.

12 THE WITNESS: What does that have to do with
13 you calling up Jeff Dorrell saying that you are going
14 to murder me?

15 Q BY MR. VAN DYKE: (Inaudible.)

16 A Say again.

17 Q Your parental rights --

18 A I can't help you, dude.

19 Q -- (inaudible) with respect to your children,
20 have they not?

21 A My children are adults, okay? I -- you don't
22 have parental rights to adult children, you know, dude.
23 You're barking up the wrong tree on this, and you're
24 aggravating and harassing me with irrelevant nonsense,
25 and I'm not playing.

THOMAS C. RETZLAFF - October 25, 2018

1 Q Okay. All right.

2 A You know, I'm planning on going to play some
3 golf this afternoon with my daughter. I ain't got time
4 for this bullshit.

5 Q All right. I would like you to turn to
6 Exhibit 16, Mr. Retzlaff.

7 A What about it?

8 Q What does the highlighted portion of Exhibit
9 16 say?

10 A It says, "Some people simply cannot be
11 intimidated."

12 Q Isn't that remarkable, we have almost the
13 exact same language in your complaint in Exhibit 5f,
14 don't we?

15 A It's English, so yeah, it is the exact same
16 language.

17 Q Don't both of them say -- reference a man who
18 simply cannot be intimidated?

19 A No. That's not what it says at all. It just
20 says some people can't be intimidated -- or simply
21 cannot be intimidated. That's -- that's what this
22 thing says.

23 Q Okay.

24 A Why, are you trying to say that because, you
25 know, people use the same letters that they're the same

THOMAS C. RETZLAFF - October 25, 2018

1 person? Because somebody uses the word D or A or
2 simply that there's some kind of grand conspiracy, they
3 are connected? What does that have to do with you
4 going on Twitter calling people niggers and saying
5 you're going to lynch them?

6 MR. VAN DYKE: Objection to the nonresponsive
7 parts of the answer.

8 THE WITNESS: No, I'm objecting. That's my
9 objection, okay. Your question is -- is harassing and
10 it's irrelevant. All right?

11 I'm skipping ahead here, you know, to some of
12 these e-mails. I'm not going to talk about No. 17.
13 That's some stuff with that guy I guess you claimed you
14 worked with. I don't know. That's not my e-mail. I
15 can't authenticate that.

16 Q BY MR. VAN DYKE: All right. What about
17 No. 18, Mr. Retzlaff? Are you going to talk about that
18 one?

19 A No. No, I'm not.

20 Q What about No. 19?

21 A Again, no.

22 Q Well --

23 A This is all stuff from your federal lawsuit
24 against me, dude. I'm not talking about it. There's
25 a -- there's a reason the federal judge said you are

THOMAS C. RETZLAFF - October 25, 2018

1 not allowed to do discovery on this thing. You know,
2 once the appeal gets out of the way, then -- then maybe
3 we can talk. Except the only person getting grilled is
4 going to be you.

5 Q Mr. Retzlaff, how often have you contacted my
6 clients since this -- since this proceeding has been
7 going on?

8 A I -- I'm not going to answer that question
9 because I find that to be harassing and irrelevant.

10 Q Did you contact Gavin McInnes?

11 A Again, you know, we've got a federal stay on
12 that, so, you know, what Mr. Dorrell has done or hasn't
13 done, I can't talk about that. That's attorney-client
14 privilege. You know, what his strategy is and what
15 he's planning on doing and who he's going to do it to,
16 that's work product and strategy, dude.

17 Q Are you going to answer any of my other
18 questions today or are we just wasting our time?

19 A You're wasting everybody's time with -- you
20 know you shouldn't be asking these questions, okay?
21 This isn't a fishing expedition, okay, on stuff that
22 you can't talk about.

23 Q Because I think what we're gonna -- we're
24 gonna get to the bottom of is that you and Dean
25 Anderson are one and the same person, is what we're

THOMAS C. RETZLAFF - October 25, 2018

1 going to get to today here, Mr. Retzlaff. So why don't
2 you just come out --

3 A And how is --

4 Q -- and say you're the same person.

5 A Let's pretend for a moment that your bizarre
6 conspiracy is true. How is that gonna help you with
7 the State Bar? How is that gonna help you?

8 Q The fact that you've lied to them.

9 A Lied to them? You're the one who called me
10 up, Jeff Dorrell up and said that you're gonna murder
11 me. Okay? You sent e-mails. You filed a SLAPP
12 lawsuit against me for \$100 million. Dude, your bar
13 career is over with no matter what happens. Okay?
14 You're never going to be a lawyer again, and nobody is
15 ever going to hire you because of shit you did. And
16 you're trying to blame me for it. You're the one who
17 goes on Twitter calling people niggers and threatening
18 to lynch them. Do you think you are going to get
19 clients doing that crap?

20 You know, if I was the guy that owned Texas
21 Title -- you know, just like Roseanne Barr got fired
22 for shit she said on Twitter. What makes you so
23 special, buddy? You think you get to keep your job and
24 be an assistant DA but you get to be in a white
25 supremacist group? No, you do not, and that's your

THOMAS C. RETZLAFF - October 25, 2018

1 fault. Okay?

2 Just like you breaking into your truck and
3 staging a crime, committing a felony, dude, all right,
4 you are going to jail. You know, I'm sitting here
5 looking on my phone waiting on the e-mail for when they
6 come busting in the door there and dragging your ass
7 off.

8 Q I've got all day. I'm happy to --

9 A Well, I ain't got all day, because right now
10 you're harassing me, and this is getting completely
11 annoying and irrelevant, and you are fishing for stuff,
12 you know, with regards to this federal lawsuit and this
13 nonsense with the McGibney lawsuit, and -- and we're
14 not going there. You stick to what's relevant, you
15 know, unless you're going to say, geez, I never did
16 call up Jeff Dorrell and threaten Tom Retzlaff, or if
17 you're going to say, geez, I never did send those
18 e-mails to Tom Retzlaff threatening him, then that's
19 fine. What's your defense going to be, Jason, when
20 you're before the grievance committee for the trial?

21 When -- when Kristin asked you, Mr. Van Dyke,
22 did you call up Jeffrey Dorrell and say, yeah, yeah,
23 yada, what are you going to say? You know, you can't
24 beat the rap, dude. You know, you sent the e-mails,
25 you sent the threats.

THOMAS C. RETZLAFF - October 25, 2018

1 And what about the crap you did to Ken White?
2 You're gonna deny that, too? You know, you're gonna
3 sit there -- when you're questioned under oath, what
4 are you going to say, dude? You've got no defense.
5 All right. You're looking for ticky-tacky shit to try
6 to deflect, and -- and we're too smart for that, dude.

7 You know, Dean Anderson or the time zone that
8 an e-mail was sent in or whether somebody uses a common
9 English phrase or not or whether somebody posted a
10 picture of Philip Klein on a blog, that's not gonna
11 save you from what the State Bar is going to do. You
12 know, the only thing that could have saved you would be
13 apologizing, begging for forgiveness and promising
14 never to do it again. But it's too late, dude. You
15 had your chance.

16 Q That's not going to happen.

17 A No, of course not. Don't apologize. Don't
18 apologize and walk in there with a defiant attitude
19 that you always have. That's really winning. And I'll
20 tell you something else, dumb-ass. I have never read
21 The Turner Diaries or The Protocols for the Elders of
22 Zion. But the Michigan police, when they busted into
23 your dorm room and found guns and shit in there, they
24 found the same book that Timothy McVeigh had and other
25 antigovernment nuts. You know, you're a lunatic.

THOMAS C. RETZLAFF - October 25, 2018

1 Q You're not going to give me truthful answers
2 to any of the rest of my questions today, are you?

3 A I haven't said anything that's not truthful,
4 but there's going to be a lot of shit that I'm not
5 going to be able to talk about, and you know it. You
6 know that you're going into forbidden territory.
7 That's why you were crying to the federal judge this
8 morning to try to get him to -- to give you
9 instructions. And what did the federal judge said when
10 you called his office? What did he say?

11 Q I'm the one asking you the questions.

12 A Come on, big guy, share it. What happened
13 when you called the federal judge today? What
14 happened? Come on, Jason, tell us what happened. Did
15 the federal judge said it was okay for you to ask these
16 questions, or did he tell you to go to fuck away? What
17 did he say?

18 Q You know what, Mr. Retzlaff, I'm going to pass
19 you, and you know why, because I think I -- I think I
20 want to get your behavior in front of a whole committee
21 when this goes to trial, and it's going to trial.

22 MR. VAN DYKE: Pass the witness.

23 MS. BRADY: Hold on. Okay. This is Kristin
24 Brady again.

25 THE WITNESS: Hey.

THOMAS C. RETZLAFF - October 25, 2018

1 MS. BRADY: And we are all done for the day.

2 THE WITNESS: Good.

3 MS. BRADY: I have no further questions.

4 THE WITNESS: Good deal. We'll see you later.

5 MS. BRADY: Thank you, everyone.

6 THE COURT REPORTER: Kristin, did you want a
7 copy of the transcript?

8 MS. BRADY: I sure do.

9 MR. VAN DYKE: I want one, too.

10 (Respondent Deposition Exhibits 1 through 19
11 were marked for identification.)

12 (The deposition concluded at 1:28 p.m.)
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THOMAS C. RETZLAFF - October 25, 2018

1 STATE OF ARIZONA)
2)
3 COUNTY OF MARICOPA)

4 I, Marcella L. Daughtry, a Certified Reporter,
5 Certificate No. 50623, in the State of Arizona, do
6 hereby certify that the foregoing witness was duly
7 sworn to tell the whole truth; that the foregoing pages
8 constitute a full, true, and accurate transcript of all
9 proceedings had in the foregoing matter, all done to
10 the best of my skill and ability. Pursuant to request,
11 notification was provided that the deposition is
12 available for review and signature.

13
14 I FURTHER CERTIFY that I am not related to nor
15 employed by any of the parties hereto, and have no
16 interest in the outcome.

17
18 WITNESS my hand this 8th day of November,
19 2018.

20
21
22
23 _____
24 Marcella L. Daughtry
25 Arizona Certified
Reporter No. 50623

THOMAS C. RETZLAFF - October 25, 2018

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WITNESS SIGNATURE PAGE

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* * * * *

I, THOMAS C. RETZLAFF, a deponent exercising my right to read and sign my deposition taken on October 25, 2018, place my signature hereon and make the following changes on this _____ day of _____, 2018.

THOMAS C. RETZLAFF

DATE